

KENTUCKY

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LAW ENFORCEMENT

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NEED A
DRONE? PAGE 38



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Matthew G. Bevin
Governor

John Tilley
Justice and Public Safety
Cabinet Secretary

John W. Bizzack
Commissioner

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DEPARTMENT OF
CRIMINAL JUSTICE TRAINING

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This publication is produced quarterly as a training
and marketing tool for the Kentucky law enforcement
community as well as public officials and others
involved with law enforcement or the oversight of law
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profiles, technology and law updates of practical
application and news-to-use for professionals in
the performance of their daily duties.

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» The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE news staff can also publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



Commissioner's Column

Warriors or Guardians?

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

The question of whether law enforcement officers across the United States should adopt a “warrior mentality” or a “guardian mindset” is a prime example of getting hung up on semantics. The resulting controversy overshadows the original concerns, ignores the critical situation as a whole and fails to see the big picture.

There always have been guardians and warriors in policing. Both mindsets are directly influenced by an officer’s personal values, beliefs, pre-police experiences, work experiences, supervision, attitudes and, obviously, training. Many officials, media and general police observers treat policing as if an officer could only be one or the other — a warrior or a guardian — as if the tools of each are mutually exclusive.

Thankfully, that is not the case.

Policing is complex work, continuously requiring an extremely difficult balancing act of vigilance and openness. Effective officers treat people with respect and dignity. They strive to become a vital cog in the community and avoid projecting the appearance that they are an occupying force. On the other hand, effective police officers always must be prepared to use force when necessary. Effectiveness depends on a practical blend of the guardian mindset and the warrior mentality. They are not mutually exclusive.

Police are expected to run toward problems from which most people instinctively run away. Many of those problems can be life threatening; regardless, officers are expected to successfully resolve these problems and protect citizens. This is a tall order. It is an essential component of policing, but begs multiple questions.

- Do we want every officer who runs toward a problem to be in a warrior mindset?
- Do we want every officer who runs toward a problem to be in a guardian mindset?

Of course not. We want officers to be capable and proficient in their decision making, analyzing the problems and personalities and adopting the mindset — or blend of mindsets — that will effectively resolve the situation.

In short, officers should be a blend of the two mindsets, capable of quickly and accurately analyzing any situation and correctly choosing which blend of tools from the warrior and guardian tool belts will best resolve the problem.

Instead of pointless debates about whether or not police officers should be exclusively warriors or guardians, the police community first should ensure men and women who

become officers are physically, emotionally and psychologically qualified to perform such complex work.

We should then assure officers are trained in an adult-learning environment by qualified instructors certified to teach curricula based on an accurate job-task analysis. Officer training must be an effectively-balanced blend of problem-based learning, de-escalation practices, self-defense and the legal use of only that force necessary to successfully resolve a threat.

Similarly, that necessary balance between the warrior mentality and the guardian mindset can be pinpointed in officer candidates through viable pre-screening, selection and hiring protocols, followed by consistent application of the training regimen previously discussed. If applied consistently, these pre-training screens will help identify suitable candidates most likely to successfully blend warrior and guardian mindsets, using the right tools at the right time to resolve conflict.

Of course, attaining that correct blend also requires a shift in the culture of policing, replacing the antagonistic old-school culture with the new. Such a major cultural change takes both time and commitment, completely altering how police view themselves and their work. But such change successfully can be accomplished, as proven by the vast strides the commonwealth has made since 1996. Kentucky has proven it is indeed possible to train suitable candidates to be tactically safe without approaching every citizen as a potential enemy combatant.

In basic training at DOCJT, all officer candidates are required to memorize and recite the 272 words of the Kentucky Revised Statute on the use of force. At the same time, they also are taught a simple statement that defines their purpose:

The purpose of my training as a Kentucky peace officer is to learn how to constructively interact with the public for the good of civil peace.

Fulfilling this purpose hinges upon the critical balance between warrior and guardian, enabling officers to constructively interact with the public while ensuring civil peace. 🦋



Dean's Column

Police Leadership in Kentucky — The Value of the Criminological Imagination

VICTOR E. KAPPELER | DEAN AND FOUNDATION PROFESSOR, COLLEGE OF JUSTICE AND SAFETY, EASTERN KENTUCKY UNIVERSITY

More than 40 years ago, the American sociologist C. Wright Mills wrote a now-classic book entitled, “Sociological Imagination” (1959) in which he described what the field of sociology had to offer our understanding of everyday life.

Crime, unfortunately, is a feature of everyday life. Essentially, he explained that we could enhance our understanding of social events if we could see the relationship between individual incidents and the social conditions existing in broader society.

While a seemingly simple, albeit eloquently stated, observation, the idea is in reality quite complex and difficult to grasp, especially for many people in policing. This, of course, is not due to a lack of ‘grey matter’ or intellect on the part of police leaders, but rather because they have been trained and charged with dealing with incidents, rather than thinking about the social conditions that contribute to them. In this sense, police leadership often is reduced to the task of ‘putting out fires,’ rather than thinking about what fuels the fire.

Another barrier to sociological thinking by police is that it often is viewed as a way of explaining away culpability — a sort of sociological ‘excuse’ for criminality and misconduct. Police attention also has been diverted away from sociological analysis by an emphasis on problem solving. The problem-solving alternative, however, has neither the predictive ability nor the potential breadth of application found in the sociological imagination.

Police leadership would be greatly enhanced by developing what might be called a “criminological imagination” which could off-set the occupation’s atomizing gaze on incidents by focusing on the ever shifting social, economic and political conditions that shape the logics of criminality.

Likewise, policing could be greatly improved by not only using a criminological imagination to better understand incidents in communities, but also to better comprehend incidents of misconduct within police agencies themselves.

Perhaps an example will illustrate the difference between incident and problem focused policing and a criminological approach that appreciates the conditions that give rise to new forms of criminality.

A few years ago, Kentucky experienced a sharp spike in the theft of copper. It seemed as if everything from electrical

“Police leadership often is reduced to the task of ‘putting out fires,’ rather than thinking about what fuels the fire.”

wire to air-conditioning units was being stolen. What had gone unnoticed before this trend emerged, however, was that China had begun a massive national building project designed to upgrade its infrastructure, causing the price of metals to skyrocket on world markets.

The ability to make linkages between the rising cost of metals (economic conditions) and a likely rise in such thefts in Kentucky (criminal incidents) would have given police officials insight into why offenders would turn to this form of crime over, say, the theft of hubcaps from automobiles.

Of course, the rising cost of copper does not account for criminality itself, but making this linkage would have given officials the ability to predict changes in crimes that communities in Kentucky would experience. Changes in social conditions predict changes in social behavior — including forms of criminality.

Police leaders no longer can afford to merely respond to incidents or even use problem solving to address well documented social ills. They must begin to imagine how changing social conditions bring about new challenges for the profession. Scanning, inventorying and imagining the effects of changing social conditions can be an effective means by which police leaders better can position themselves and their agencies for the problems they will be called upon to address in the 21st century. 🦋



124 LAW ENFORCEMENT OFFICERS KILLED NATIONWIDE IN 2015

Kentucky Lost Four Officers in the Line of Duty in 2015

Law enforcement fatalities nationwide rose slightly during 2015, with 124 federal, state, local, tribal and territorial officers killed in the line of duty, according to preliminary data compiled and released by the National Law Enforcement Officers Memorial Fund in their 2015 Law Enforcement Fatalities Report.

The 124 officer fatalities in 2015 represented a four percent increase from the 119 officers who died in the line of duty in 2014. Of the 124 officers who died, 52 died in traffic-related incidents, 42 were killed by gunfire and 30 died as a result of other causes.

Traffic-related incidents were the leading cause of officer fatalities in 2015, with 52. This was a 6 percent increase over the 49 traffic-related deaths in 2014. Of these 52 officers, 35 were killed in automobile crashes, 11 officers were struck and killed outside of their vehicles and six officers were killed in motorcycle crashes.

Firearms-related incidents were the second-leading cause of officer deaths in 2015, with 42. This was a 14 percent decrease from the 49 officers shot and killed in 2014.

Traffic stops resulted in seven deaths, the leading felonious cause of deaths among officers in 2015. The other leading categories of felonious deaths in 2015 were ambushes (6), investigating suspicious persons or activities (5), disturbance calls (5), attempting arrests (4), inadvertent shootings (3), robbery (3), unknown (3),

transporting suspects (2), burglary (2), investigative activity (1), and tactical (1).

Of the 30 officers who died, due to other causes this year, 24 were caused by job-related illnesses: two officers died when they fell to their death, one officer drowned, one officer was electrocuted, one officer was beaten to death, and one officer died in an aircraft crash.

During the past year, more officers were killed in Texas (12) than any other state, followed by Georgia (11), Louisiana (9), and New York and California with six each.

Eight agencies experienced more than one officer fatality this year, including the Puerto Rico Police Department (5), Texas Department of Criminal Justice (3), Colorado State Patrol (2), Harris County (TX) Sheriff's Office (2), Hattiesburg (MS) Police Department (2), Kentucky State Police (2), New Jersey State Police (2), and New York City (NY) Police Department (2).

On average, the officers who died in the line of duty in 2015 were 41 years old and had served for 12 years.



DOCJT Basic Class reaches out after tragedy

In December, Matthew Fitzgerald, DOCJT Basic Training Class 470's class leader, contacted the Richmond Police Department to see if the agency would accept a toy donation from the class. Due to the recent tragedy of RPD Officer Daniel Ellis's death, this class was looking for a way to reach out to RPD to show their support. The toys were an offering to help bring a slice of joy to RPD when they handed toys out to underprivileged youth for Christmas.



The class of 24 donated more than 100 toys.



Kentucky State Police Trooper John Gordon, of KSP Post 1, carries 7-year-old Garin Wilson of Mayfield on his shoulders so he can see the toys on the top shelf at Mayfield's Walmart during the agency's Shop with a Trooper event.

KENTUCKY'S JUSTICE AND PUBLIC SAFETY CABINET USHERS IN NEW LEADERSHIP

Former State Representative **John Tilley** (at right) of Hopkinsville was named secretary of the Justice and Public Safety Cabinet. Tilley is a former prosecutor who is nationally recognized for his work on criminal justice reform and drug policy.

Before being named secretary, Tilley was serving a fifth term in the Kentucky House of Representatives. He chaired the House Judiciary Committee since 2009, while also co-chairing many related joint bipartisan House/Senate task forces on criminal justice.

A graduate of the University of Kentucky and Chase College of Law, Tilley sponsored multiple pieces of significant legislation. His efforts triggered a national model for change, protecting public safety and holding offenders accountable, while controlling corrections' costs, reducing recidivism and greatly increasing drug treatment. Tilley also has led efforts to combat synthetic and prescription drugs, for which Kentucky has received national acclaim.

As a result, Tilley and his colleagues received numerous awards and national recognition. He has traveled internationally to speak on criminal justice reform and drug policy. He is a board member for the Council of State Government's Justice Center and co-chairs The National Conference of State Legislatures' Law and Criminal Justice Committee.

Tilley is joined by Deputy Secretary **Jonathan Grate** and General Counsel **Andrew English**.

In addition, **Rodney Ballard**, formerly Fayette County jailer, was named Commissioner of Corrections. Ballard, a former Kentucky State Police Trooper, supervised Lexington's 1,266-bed jail, the state's second largest.



JOHN TILLEY

Women's Leadership Program Enhances Credibility and Confidence of Kentucky's Law Enforcement Leaders

Abbie Darst | Program Coordinator

Developing and enhancing female leaders across the country — that was the goal of the 40-hour Women in Leadership Training Program presented by the Federal Law Enforcement Training Center in early March at DOCJT. The 23-member class, comprised of female law enforcement leaders and trainers from across the commonwealth, West Virginia and Colorado, examined issues and challenges facing female leaders in law enforcement.

"The most dynamic part of the class, with this group in particular, was understanding we need to help one another," said Gina Smith, Department of Criminal Justice Training instructor and co-coordinator for the course. "We need to reach down and reach out to help other women in this profession."

The course was led by FLETC instructors Megan France and Real Robillard.

"The course dealt directly with women's issues — issues women in law enforcement, both patrol and dispatch, deal with on a

daily basis," said DOCJT Telecommunications Instructor Amanda Rogers, who co-coordinated the class with Smith.

The course covered Situational Leadership II, emotional intelligence, work-life balance, belief systems and motivators and the DISC assessment that helps better understand human behavior. Panel discussions focused on real-life situations, challenges and issues. The

panel included Lexington Police Commander Melissa Sedlacek, Owensboro Police Chief Art Ealum and Mason County Jailer Lisa O'Hearn.

Coordinators Smith and Rogers wrote curriculum and successfully obtained KLEC-credit approval for the course, which now can be taught by certified Kentucky instructors.



NEW CHIEFS



GUY HOWIE
Glasgow Police Department
Guy Howie was appointed chief of Glasgow Police Department on Oct. 5, 2015. Howie started his civilian law enforcement career with the Del City, Okla. Police Department in 1980. In 1982, he joined the Ocala (Fla.) Police Department and

retired after 27 years of service. He then was hired as the chief of the Hopkinsville Police Department in 2008 and retired from there in 2014. Howie went back to Ocala (Fla.) Police Department and served a short stint before returning to Kentucky as chief of Glasgow. Howie is a U.S. Air Force veteran. He also is a graduate of the FBI National Academy 205th session. gpgdhowie@glasgow-ky.com.

JAMES FUGATE
Versailles Police Department
James Fugate was appointed chief of Versailles Police Department on Nov. 1, 2015. Fugate began his law enforcement career with the Nicholasville Police Department and has 19 years of law enforcement experience. He came to Versailles Police Department in 1999 and moved through the ranks to become chief. Fugate has a bachelor's degree in Police Administration from Eastern Kentucky University and is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 258. jfugate@vpd-versaillesky.com.



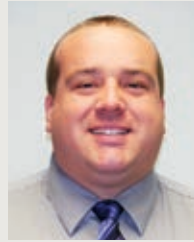
BRYAN CARTER
Covington Police Department
Bryan Carter was appointed chief of Covington Police Department on June 1, 2015. Carter has 26 years of law enforcement experience. His entire law enforcement career has been with the Covington Police Department moving through the ranks to become chief. Carter has a bachelor's degree in Criminal Justice from Northern Kentucky University and a master's degree in Criminal Justice from Xavier University, Cincinnati, Ohio. He is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 198 and the AOC Southern Police Institute Class No. 131. Carter also has attended the IBZ Schloss Gimborn training facility in the Nordrhein-Westfalen region of Germany. The conference dealt with the issue of police and human rights and was attended by officers from Germany, Sweden, United Kingdom, Ireland, Russia and Cypress. bcarter@covingtonky.gov.

JACKIE K. STEWART
Lynch Police Department
Jackie Stewart was appointed chief of Lynch Police Department on Aug. 26, 2015. lynchpd322@outlook.com.



BRANDON BRINKLEY
Irvington Police Department
Brandon Brinkley was appointed chief of Irvington Police Department on June 5, 2015. Brinkley began his law enforcement career with the Irvington Police Department and has eight years of law enforcement experience. He also served the Muldraugh Police Department before being named chief of Irvington Police Department. Brinkley is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 397. policechief@irvingtonky.org.

ARTHUR R. LACY
Stanton Police Department
Arthur Lacy was appointed chief of Stanton Police Department on Aug. 1, 2015. Lacy began his law enforcement career with the Clay City Police Department and has 21 years of law enforcement experience. He came to Stanton Police Department in 1996 and moved through the ranks to become chief. Lacy served the U.S. Army from 1991 to 1994. He is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 232. arthurlacy@yahoo.com.



Ceremony Salutes Efforts to Keep Kentucky Roads Safe

The Kentucky Office of Highway Safety recently honored 142 law enforcement officers from 117 agencies across the commonwealth for their efforts to target impaired drivers.

During the 2015 Governor's Impaired Driving Enforcement Awards ceremony, awards were presented to officers with the most impaired-driving arrests in each agency.

"Impaired driving is not an accident – it's an epidemic of careless disregard for human life," said KOHS Executive Director Bill Bell. "These officers, their departments and agencies render a great service for public safety by removing drunken and drugged drivers from our roads."

In 2014, there were more than 4,300 crashes in Kentucky involving alcohol, resulting in more than 2,000 injuries and 113 fatalities. There also were more than 1,400 drug-related crashes, resulting in 939 injuries and 41 fatalities.

KOHS, Kentucky State Police and other law enforcement agencies partnered for the Drive Sober or Get Pulled Over holiday enforcement campaign Dec. 18, 2015, through Jan. 3, 2016.

Creating a National Movement: Start by Believing Day

When End Violence Against Women International launched the Start by Believing campaign in 2011, the goal was nothing short of changing the world, to reach into that moment when a sexual assault victim turns to someone and says, "I was raped." All too often, that moment turns into a terrible betrayal.

This type of response has a devastating impact on victims. Start by Believing was designed to change this reality, by preparing loved ones and professionals to respond supportively to a moment of disclosure.

The next step is to join forces, and show the world the power to create change. April 6 is the first-ever, global Start by Believing Day. Please join in creating an international message of support for sexual assault survivors.

To get started, visit the Start by Believing Day page. (<http://www.startbybelieving.org/sbbday.aspx>)



KLEC Presents CDP Certificates

STAFF REPORT | KLEC

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

INTERMEDIATE LAW ENFORCEMENT OFFICER
Bowling Green Police Department
Keith Young

Harlan Police Department
Jeffery Owens

Jeffersontown Police Department
Paul M. Harmon

Louisville Metro Police Department
Todd E. Anderson
Roderick M. Beasley
Michael R. Cox
William A. Wolf Jr.

Paris Police Department
Ryan S. Collins
Robert A. Williams
Brenton E. Wilson

Pulaski County Sheriff's Office
Kyle G. Wilson

Taylor Mill Police Department
James E. Mills

West Buechel Police Department
Gary W. Sharp

ADVANCED LAW ENFORCEMENT OFFICER
Fayette County Schools Police Department
James C. Moore Jr.
David G. Southworth

Florence Police Department
Walter H. Cooley III

Jeffersontown Police Department
Paul M. Harmon

Kentucky Department of Park – Ranger Division
Joey R. Sparkman

Louisville Metro Police Department
Anne E. Hogan
Brian D. Kuriger
Scott D. Perry

Paris Police Department
Robert A. Williams

Pulaski County Sheriff's Office
Kyle G. Wilson

West Buechel Police Department
Gary W. Sharp

Western Kentucky University Police Department
Brian A. Kitchens
Rodney L. McMillin

LAW ENFORCEMENT SUPERVISOR
Louisville Metro Police Department
Brian D. Kuriger
Tracie L. Shugart

LAW ENFORCEMENT MANAGER
Ashland Police Department
Michael R. Crawford

Jeffersontown Police Department
Samuel J. Rogers

Taylor Mill Police Department
Patrick A. Reis

LAW ENFORCEMENT EXECUTIVE
Covington Police Department
Patrick W. Swift

Fayette County Schools Police Department
James J. Coleman

LAW ENFORCEMENT OFFICER INVESTIGATOR
Cynthiana Police Department
Ronald A. Judy

Florence Police Department
Walter H. Cooley III

Lawrenceburg Police Department
Jeremy E. Cornish

ADVANCED PUBLIC SAFETY DISPATCHER
Danville Police Department
Lisa K. Tyus

LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR
Cynthiana Police Department
Ronald A. Judy

Lawrenceburg Police Department
Jeremy E. Cornish

Richmond Police Department
Rodney W. Richardson

Governor Bevin Appoints John Holiday Director of Homeland Security

Governor Matt Bevin announced the appointment of John Holiday as executive director of the Kentucky Office of Homeland Security. Holiday worked extensively in the Department of Defense in U.S. Special Operations for the past two decades.

"John Holiday brings a wealth of experience to this important position," Bevin said. "He has an exceptional set of qualifications to lead our preparedness efforts and will be an asset to our local, state and federal partners."

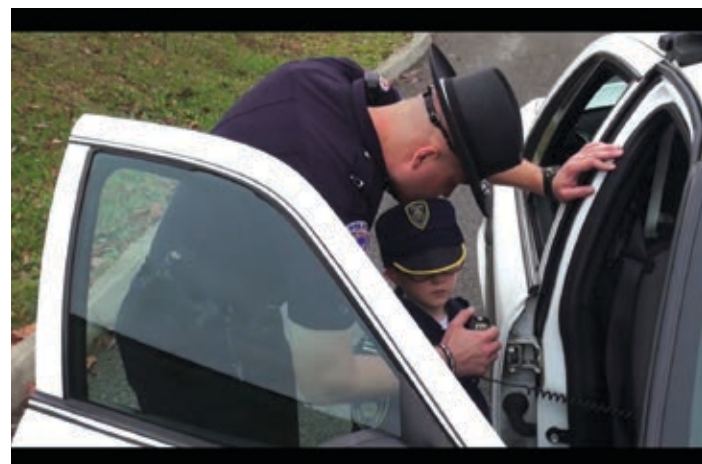
2016 KLEMF Golf Tournament

Gibson Bay Golf Course
Lake Reba, Richmond, Ky.

June 23, 2016

For more information, contact Pam Smallwood at pam.smallwood@ky.gov or (859) 622-8081.





“Trooper
Trenton”

Joins Pikeville’s Ranks as 6-year-old Special Officer

KELLY FOREMAN | PROGRAM COORDINATOR



PHOTOS SUBMITTED

Many children dream of one day growing up to become a police officer, but few get the chance to be sworn in at 6 years old.

Pikeville native Trenton Morris had the opportunity recently to see that dream come true. The 6 year old’s mother called Pikeville Police Chief Phillip Reed and explained her son, Trenton, suffers from a medical condition that affects his eyesight, Reed said.

“In one eye he has 20/60 vision and in one eye I think it is 20/600,” Reed said. “My understanding is legally blind is 20/200. He is well past legally blind in that one eye and deteriorating. He’s having a really hard time.”

Morris’ mother asked if Trenton could tour the police department while he still had some vision, because the boy spends all of his playtime at home pretending to be a cop, Reed said. While the chief agreed to the visit, he decided the local law enforcement could do much more for Trenton than just show him around the building.

“We decided to set up a ride along with us, the Kentucky State Police, Commercial Vehicle Enforcement and the Pike County Sheriff’s Office,” Reed said. “We wanted to take an extra step. Law enforcement goes through stages — and in eastern Kentucky we were kind of in a stage where we needed all of us to start working together again. We had kind of gotten away from that. We took this as an opportunity for us all to work together for something good.”

When Morris and his mother arrived at the department, he was sworn in as a special officer and given a t-shirt specially made for him with local law enforcement patches on it, Reed said. An overlook area in town had been cleared and during the ride along, Morris conducted a traffic stop in which he pulled over Pike County Sheriff Rodney Scott.

“He told me he always calls for backup on his radio, and he got to do that live when he arrested the sheriff,” Reed said. “This experience with him has just been overwhelming. He has told everybody he is a real policeman now. He calls himself ‘Trooper Trenton.’”

After news circulated about Trenton’s story, Reed said he began getting phone calls from agencies across the state and beyond wanting to help Trenton. As a result, Morris was presented with a brand new Power Wheels police cruiser outfitted with full police striping courtesy of agencies around Pike County, Louisville Metro Police and West Virginia law enforcement, Reed said.

“The bond and relationship this created has made a huge difference in one little boy’s life,” Reed said. “We need to make it a goal to do this in everybody’s life. I know that’s impossible, but many years ago, everybody said they wanted to be a police officer to save the world. We need to get back to that mindset. Obviously we can’t save everybody, but we sure need to try. This has put trust and faith back in the police department and built trust with people in the community.”

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.



The Southern Police Institute has been advancing education and training of law enforcement officers across the country for 65 years. What started in 1951 as a police training program under the Department of Criminal Justice at the University of Louisville, has expanded to become one of the top three executive development courses in the United States. Director Cindy Shain joined SPI in 2009, and officially took over as the institute's director in July 2015. Shain had a successful 24-year career at the Louisville Police Department where she served as the first female district commander and staff officer in the department's history. Going on to direct the Regional Community Policing Institute in Richmond for the next decade, Shain now carries her vast knowledge of the law enforcement profession and her diverse pool of law enforcement contacts to SPI and puts them to work serving officers from across the world.

The Southern Police Institute is celebrating its 65th anniversary. What has made the institute a successful law enforcement teaching facility for more than half a century?

The Southern Police Institute is tradition mixed with quality training. That is our recipe for success.

We offer high-quality training that is maintaining excellence in policing standards. That's why we've been here so long. The institute was established in 1951 as an answer to a need under the original Ford Foundation funding. There was a realization at that time that more training was needed for police on dealing with issues of race in the United States. It is ironic that we're still dealing with those issues in the 21st century. That is one thread >>

PHOTO BY JIM ROBERTSON

PUSHING THE TRAINING LIMITS

Profiling Southern Police Institute Director Cindy Shain's vision for taking police training and networking to the next level.

ABBIE DARST | PROGRAM COORDINATOR



PHOTOS BY JIM ROBERTSON



>> that has woven through the way the institute started and recognizing the need that police need to be trained. Training is a very important component. We know from our history of policing in the United States, training was not valued or seen as a need for many decades. It's what makes the institute as valid today as it was in the 1950s.

How have SPI's course offerings changed over time to keep up with the rapidly-changing demands of the law enforcement profession?

To be a successful training institute or academy, you have to look at what the need is, and that need changes with time. In the Administrative Officers Course I give them research projects where they select issues that are important to their agencies. It is how I keep up with what is current, relevant and what they are interested in. In 2009 and 2010, when I started teaching twice a year and seeing dozens of these presentations, the issues of interest were simulators and how to better train in firearms and Tasers. There were a lot of agencies looking at research and whether Tasers were safe. Now you don't see or hear about that. Tasers are an accepted tool police use every day; likewise with simulators. Now they are looking at body-worn camera technology and unmanned aerial vehicles or drones. Technology changes, and their presentations help us know what to look at in updating courses.

We also have 29 professional development courses. Our training is in three areas. The first area is professional development. Those are continuing-education courses such as homicide, chief executive leadership and managing small departments. We also have Police Training Officer courses that we started under grant funding, but now we are one of the main places to go for PTO train-the-trainer instruction.

Second is our Command Officer Development Course. It is a 400-hour 10-week course. It is a management development course for mid- to upper-level management taught twice a year in Florida. This year, we are expanding this training into the New England area.

Third is AOC, which is our only university-accredited program. Students who attend are enrolled into the University of Louisville and receive 12 to 15 credit hours. It is a 12-week program, in residence. We are

considered to be one of the top three executive development courses in the United States. This program is touted as a credential for international police advisors, who receive credit for attending.

What is SPI's primary mission and how do individual courses offered combine to meet that mission?

Our mission is to provide police development training for law enforcement throughout the world. We primarily have served the United States, but increasingly are adding to and reaching out in the international community. Crime is transnational — global. Due to issues with human trafficking, technology and drug crime, law enforcement in the U.S. have to tie themselves to international police.

SPI's overall mission is to assist law enforcement in being better in their jobs and developing leadership skills that will allow them to become leaders of tomorrow. That's our goal. I don't think that goal has changed since 1951, but how we do it, what we train and how we train has changed. Our students expect something more than being lectured to. We know from reading evaluations and critiques, students today expect to have group-based exercises and

hands-on course learning. Deciding how and what to change largely is based on listening to our students. We want to hear what they have to say, and their comments and suggestions are shared with instructors.

Before an AOC class comes in, they are put into groups. I mix them up by putting together different agencies and agency types — state police, municipal, sheriffs, small and large. That mix creates a more cohesive class. After I model the first chapter, the groups teach the remaining chapters. They work as a leaderless group. It is a great group dynamic and leadership-development assignment. They have to look at the chapter and assign it, teach it and put a PowerPoint together. They are required to research outside the chapter and bring a case study into their presentation. It is more interesting listening to six or seven people and their examples. I learn from that. They all are connected and they learn better. When I started out and taught everything, the learning was so different than when the students teach it.

At the graduate level, students have to present a research project that is of interest to their agency. Students bring their research to their "chief and staff" which is the

class. Their objective is to sell you on something they have researched. They learn all they can about the issue and make a recommendation and explain how they will measure the progress. It is a very practical application for academic research. From that, they have something they can take to their chief or sheriff and make the same presentation. If they do it and it is adopted, they have taken a leadership role and the chief will look at them differently.

We think by completing AOC they are equipped to deal with anything they would as leaders of organizations. That is what AOC is all about. They come out and have read a lot and learned a lot about issues they may not have thought about before. We refer to it as looking at the law enforcement profession from a 10,000-foot level. It gets them out of the day-to-day crises and events to look at the trends and topical issues in the profession. They come away with a better way of doing things and how to measure and evaluate it.

What strengths of SPI did you build on, and what changes have you implemented in your time as director?

There are a couple of things I dealt with at first. We looked at new ways of marketing >>



PHOTO PROVIDED BY SPI



PHOTOS BY JIM ROBERTSON

◀ The Southern Police Institute's first Administrative Officers Course investigation kits look very different from today's investigative tools of the trade. However this 1950s-era kit was the height of current technology when SPI began educating and training the nation's law enforcement officers.

Especially after Ferguson, and other events going on across the nation with technology scrutinizing police with cameras and cell phones, it is crucial to learn and understand how to place ourselves in the community.

>> our classes. We always had sent training fliers and information through the mail. Since 1951, that was the main way to get out information on training. I wanted to begin using the technology available to us and move to computer marketing. We looked at bringing someone in and talked to companies, but it's expensive to have a marketing company come in. So we built a database of 14,000 law enforcement contacts through every person that has come to our classes. We've built a way to get the word about our training out there. The staff worked very hard on that, using those tools that were more affordable, but in turn have reaped a lot of changes in who we reach.

I am very proud to say we are taking the CODC class to the New England area. That was an area of the country that was underserved, but I'm proud to say we have people coming now from Maine and Vermont.

We are taking classes into many new areas including western states like Oregon, Washington, Idaho and Iowa. We've attended conferences like the International Association of Chiefs of Police and the Hispanic American Police Command Officers Association trying to reach out to the Hispanic command population, that we don't have in Kentucky.

Administratively, in the agency we worked to define roles and are working together to understand each other's roles so nothing falls through the cracks.

What do you see as the most crucial training need in Kentucky policing today?

In keeping with our audience, it is understanding how to deal with communities. Especially after Ferguson, and other events going on across the nation with technology scrutinizing police with cameras and cell phones, it is crucial to learn and understand how to place ourselves in the community. Agencies need to become true partners with the communities they serve. Every community is different. We use the report from the President's Task Force for 21st Century Policing, which mostly relates to social media technology, policy and oversight. They summarize exactly what is of interest to agencies in the United States. It all goes back to working with and understanding your community and being an equal partner. Procedural justice and treating people the way they should with respect on both sides has eroded because of issues across the country.

One class we just developed is called Managing the Media in Law Enforcement. We have an instructor who is former media, but has been a correspondent and worked as a media director at the Charlotte-Mecklenburg Police Department in North Carolina. The course is for executives and supervisors and will teach them how to manage media, maintain their message and how to deal with interviews and crisis situations. I think it will be popular. The first 32-hour class starts in June.

What experiences from your past positions have been most beneficial or influential stepping into the SPI director role?

Being with Regional Community Policing Institute gave me the opportunity to meet so many law enforcement officers in agencies throughout Kentucky. Being from Louisville, I didn't have that opportunity. We went throughout eastern and western Kentucky providing training. When RCPI Founder Gary Cordner hired me, he said, 'I need someone with law enforcement credibility who can go, interact and get to know those agencies, large and small, and let them know about our training.' It was a real education for me to meet so many chiefs and sheriffs in the state.

Prior to that, I was deputy chief with Louisville so I had a gamut of experiences with a large city agency. I have a good

understanding of their needs and know where they have been. I am extremely interested in the research they do. When students give their presentations, they aren't just selling the class, they have to sell me, too. As a leader, I wanted officers in my agency to come to me with research instead of just throwing out an idea. I have seen many times people come in and say, 'Why can't we do this?' or 'Maybe this will work better,' but they don't have any research to back it up.

I had an officer once who wanted a bike patrol and said he'd like to start a bike patrol in downtown. He gave me all these reasons he thought it would be good. I told him to tell me what it would look like, how much it would cost, the training involved, what uniforms they would wear and told him to research this. Usually I would never hear from them again, but in this case, four months later he had all his research, pictures of uniforms, everything together. I was so impressed that I would have gone to the ends of the earth to get that bike patrol because of his hard work.

That relates back to my passion on having been in this job and wanting officers who come here to be able to do the same thing and get that reaction from their own supervisors.

I've also done a lot of training internationally with IACP and the International Association of Women Police, and traveled outside the country for a lot of conferences.



PHOTO PROVIDED BY SPI

I've seen the value of having diversity in the training setting. Our U.S. officers get a lot out of that as well as international officers. My goal is to get more international students into SPI.

There is a lot of extra work that goes into getting international students in, but it is well worth it because of the experience to learn from each other. Ideas from other countries and what they take away from the class — you just can't get the same thing with just U.S. police. That's where we want to expand as we go forward.

We have two Lebanese internal security captains coming this summer to learn, exchange ideas and take back what they learn to better their own agency in Lebanon. They were picked to be part of the Hubert Humphry Fellowship, and in May and June they will spend six weeks here.

I have them going all over the place in Kentucky, not just here at SPI.

When they finish here, they'll have professional relationships and be able to call on people and keep those relationships up. I'm hoping to do more and more of this.

In your diverse career, of what accomplishments are you most proud?

Everybody who knows me calls me the networking queen. One thing of which I am most proud is that what I've learned in all these jobs I try to share that

knowledge with others. I'm a great believer that as a woman in law enforcement, there's nothing worse than suffering from 'queen bee syndrome.' Women will reach a certain point, but do nothing to help others come along. They like being the only female in their positions. I've fought against that. I talk about positioning yourself for success and tell them what an important function they play in their organizations as a female — they have a responsibility to reach around and help others. This is not just for women, but especially for women, to take what they've learned and help others become successful in their careers.

That's what I believe in — providing resources and being a super connector. A super connector is a person who, by position or knowledge, can connect people and resources. The super connector can connect those who have been successful with people seeking resources on the same issue. By connecting the two, they both benefit from the relationship.

There are many things I'm proud of and have survived in my career, but you learn these lessons as you go up the ladder and have all of these experiences. Taking that information, and not keeping it to myself, but sharing it with others and allowing them to reach their own goals is so important. I think I've done that in the roles I've had, especially here at SPI.

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Recruitment and Retention

A FOUR-PART SERIES

ABBIE DARST | PROGRAM COORDINATOR
PHOTOS BY JIM ROBERTSON
PHOTO ILLUSTRATIONS BY TRANG BASEHEART

Law enforcement faces three challenges: recruiting good candidates, training them to understand their policing role and do the job safely and effectively, and retaining the best officers in the profession. Kentucky has spent two decades developing and progressing police training, yet many agencies throughout the commonwealth struggle to either recruit or retain the absolute best officers.

You are embarking on a four-part series diving into some of today's biggest recruitment and retention issues that plague law enforcement agencies across the nation, but often go overlooked and unnoticed in an ever-evolving workforce landscape.

FROM Generation TO Generation

PART I | Recruiting and retaining the next generation
of officers takes new tactics and an open mind



MILLENNIALS
(born between
1985 and 2005)

GENERATION XERS
(born between
1965 and 1985)

BABY BOOMERS
(born between
1945 and 1965)

Generational differences can play a huge role in how a law enforcement agency functions, how it reflects the community its officers serve and how effective it is in recruiting new members to its force. As a department head, start by taking a look at your workforce for clues on what you need to effectively hire and retain the best officers for the community your department serves.

In most police departments today there are three distinct generations present: Baby Boomers, Generation Xers and Millennials. Generally, Baby Boomers were born between 1945 and 1965, placing them between 51 and 71 years old. Members of Generation X were born between 1965 and 1985, making them 31 to 51 years old. Millennials were born between 1985 and 2005, falling between 11 and 31 years

old. These generations are defined and shaped by world events, politics, music, technological advances and, of course, influences from generations before them. These three generations can affect a police department in vastly different ways, so let's break it down a little.

The Baby Boomers in today's workforce have been working for quite some time.

"Boomers are characterized by a 'live to work, work to live' mentality," said Ed Lingenfelter, a DOCJT leadership instructor who teaches a three-hour block on generational issues in the Academy of Police Supervision. "As a generation, they challenged authority, and then they became the authority."

In law enforcement where 20-year retirements used to be the norm, members of this generation easily are pushing into 30- and 40-year careers. Yet for a myriad of

reasons, many are choosing not to retire, staying as long as they can in a profession they love and to which they are dedicated.

For Generation X officers, lingering Boomers holding onto leadership positions have created a deficit of management-level positions into which they can transition. Many of these officers have been in the career field for 10 to 15, even 20 years and, depending on the size of the agency, they have fewer options for moving into upper management, Lingenfelter said.

Additionally, officers staying in the field longer make it difficult to bring in new, younger officers.

"What's stopping Millennials from coming in is the Boomers not leaving," Lingenfelter said. "Agencies can only hire what's in their cap — someone must retire or leave in order to hire more people. The biggest issue is (older) people are not leaving to be replaced."

IN WITH THE NEW

But for those agencies with the openings to hire new officers, many are finding recruiting Millennials is a whole new ball game.

"The recruitment challenge appears to be deepening over time as generational preferences and conceptions of work and career change and other trends work to reduce the pool of qualified applicants," a 2014 Law Enforcement Executive Forum, or LEEF, study showed. "Whereas departments have had historical difficulties recruiting women and minority applicants, their inability to grapple with generational differences has shown the profession to be underprepared for the rapidly changing and uncertain economic and social landscape."

Millennials tend to have an outlook on life and work the generations before them don't understand or don't agree with. Yet recruiting this generation into the public safety workforce — and retaining them — depends on knowing what they want and need in a career, and what will make them turn the other way.

"This is a generation that thinks they can have it their way and genuinely think they will make a difference," Lingenfelter said. "And you can't tell them otherwise."

One of the biggest things about the millennial generation is their desire to make a difference in the world in which they live. They are a consumption-conscience generation that is quick to jump on board with a cause they believe is legitimate and about which they care, Lingenfelter explained.

"To recruit Millennials, you have to capture that giving-back, make-a-difference mindset, but it has to be authentic," Lingenfelter said. "If they find you a fraud, you're a fraud."

What's more, Millennials have a different vision of how to relate to authority. Most law enforcement agencies have a typical hierarchical authority structure. However, many Millennials do not buy into that form of authority.

Police One writer Lance Eldridge, in his article "The 'Me Generation' and the Future of Law Enforcement," explained "Millennials don't like hierarchy or readily accept another's titled authority." Instead, they want "a constant stream of feedback" and prefer a "mentor, not a formal boss."

This often poses challenges for law enforcement supervisors and executives who function in an atmosphere where the leaders give direction and the officers are expected to follow, no questions asked. Instead, Millennials want to engage in a



58 percent of millennials deliberately seek employers whose responsibility behavior reflects their own values. (Source: PwC 2015 survey)

two-way dialogue with those in leadership. They want to feel that their input is valued and respected.

"They want their newly-selected 'mentor' to listen to their ideas and opinions, and one study found that 76 percent of Millennials think their boss could learn a lot from them," Eldridge said.

Millennials also crave a healthy work-life balance. Through the eyes of Boomers, who 'live to work and work to live,' and Generation Xers who are seen as 'willing to put in extra time to get a job done,' Millennials are said to be lazy and entitled, Lingenfelter said.

"But that's not true," he said. "Every generation is called lazy and entitled."

"Generation X and Baby Boomers really didn't need or want balance, we were work first, play second," agreed Henderson Police Chief Chip Stauffer. "This group wants to work, and they do a phenomenal job, so they're not lazy. "But getting them to stay an extra shift is difficult because it's their time.

"For managers and leaders this gets difficult because it's so different," he continued. "It's a paradigm shift that we have to understand and get creative with how to handle."

BRING IT TO THE TABLE

In spite of their different needs, wants and expectations in a career, Millennials bring a lot to the table that makes them attractive recruits. They are a digital generation who have never lived in a world without computers and cell phones. They not only understand technology, they are very comfortable with it. Millennials easily can navigate a social-media driven society. Because of technology, the Internet and social media, these individuals are globally minded and inventive — able to think outside the box. Millennials also have high ethical standards and are committed to being the next great generation to turn around all the 'wrong' they see in the world today, according to Lingenfelter.

These attributes can be very useful to law enforcement agencies looking to fill their ranks with today's best and brightest. But in order to recruit them, agencies need to consider changing recruitment strategies and long-term employment goals. >>

“... Millennials have a different vision of how to relate to authority. Most law enforcement agencies have a typical hierarchical authority structure. However, many Millennials do not buy into that form of authority.”



◀ Fort Thomas police officers Rich Whitford (front) and Nathan Day. Whitford began his career with Fort Thomas in 1991, Day in 2013.

PHOTO BY JIM ROBERTSON

>> “The recruitment challenge is a product of several rapidly changing trends, which departments appear ill-prepared to address, in the way police recruiters and potential applicants view each other,” the LEEF study sited. “Lacking organized recruitment programs, objectives or strategies, police departments have placed themselves at a growing disadvantage in recruiting qualified officers, losing them to other industries and fields at a quickening rate.”

Bluegrass Airport Police Chief Scott Lanter agrees.

“There is a war on talent — we are fighting everyone for good people,” he said “The war is based on two things, what you can offer employees and what you can give them to better themselves.”

According to Lingenfelter, there are three things agencies seeking to recruit Millennials need to embrace to be successful.

Tell them how they can make a difference

— In the past, agencies have focused recruitment efforts around the traditional officer dressed in his Class A uniform or by touting specialty programs such as SWAT teams, K-9 units or detective bureaus. To Millennials, the staunchly traditional uniform is not a selling point like it was for Generation X recruits, and they will be disappointed when they don’t reach those specialty positions within a year or two of hire, Lingenfelter said. Instead, focus on

ways that these individuals can make a legitimate difference in your community by serving as a peace officer.

Explain there is a career path —

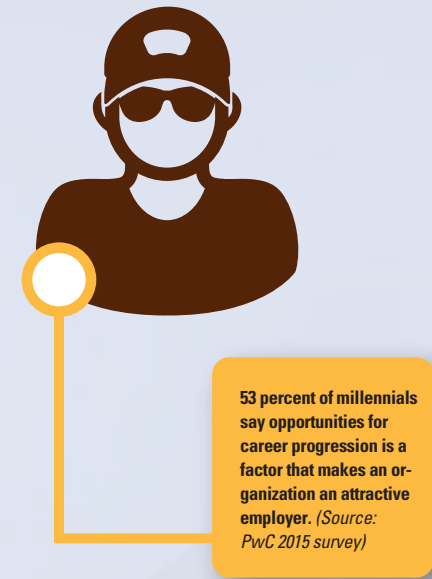
Millennials always are seeking knowledge and the next big thing. Tap into this by helping them understand and explore the training opportunities offered in Kentucky through your agency. Partner with a local college or university to help officers build on their education, and create a path of development on which they can collaborate and complete at their own pace.

Be upfront and honest —

Tell them all the facts upfront about what they’re getting into. From job duties and expectations to pay and time spent in the academy, Lingenfelter said. He encourages agencies to talk about things like the Kentucky Law Enforcement Foundation Program Fund upfront and explain how it works into their overall salary.

“If you give them everything up front and allow them to make a decision, then they feel like they are part of the decision-making process,” Lingenfelter explained. “This is a shift in culture. They want to feel like they are making a difference every time, and feedback is necessary for them.

“Any agency that feels like they can’t do that, won’t ever be able to recruit these people,” Lingenfelter emphasized.



HOW DO YOU DO IT?

There are all kinds of agencies out there trying all kinds of things when it comes to recruitment. But there are just as many agencies that aren’t changing a thing about the way they recruit the next generation. For decades, law enforcement agencies used the newspaper to advertise job openings. However, today’s Millennials have a world of news at their fingertips. They have no reason to pick up a local paper.

“We are trying to utilize Facebook and Twitter for hiring,” said Henderson’s Stauffer. “When we have vacancies, tests and information sessions, we use social media to tap into a group that doesn’t read the newspaper.”

‘Word of mouse’ outreach strategies, like using social-media sites and the Internet to attract candidates, has become increasingly more necessary. As members of the digital generation, Millennials communicate better online and turn to the web first to gather information. One study cited by LEEF found 18 percent of recruits surveyed were first motivated to contact their current employer because of an Internet advertisement, and 80 percent reported accessing the Internet at least daily.

“The Internet’s overall effect on police recruiting varies, but departments using it have been able to present their organizations in ways that influence applicants, dispel negative images and transmit positive ones, showcase their technological abilities and recruit in ways that resonate with the new generation

of applicants,” the LEEF study states. “Despite the generational differences that might separate police command staff from young recruits, using Internet media could sell policing in messages that potential recruits hear very personally.”

During the November 2015 Police Executive Command Course conducted in Richmond, participants echoed the same sentiment with a resounding “Market yourselves,” during day-four, round-table discussions about recruitment and retention.

“People looking for jobs as officers, that’s what they key on — how we present and market ourselves,” said Lexington Assistant Chief Lawrence Weathers. “We need to look at that. SWAT, K-9 and mounted units, that’s not what they want. They want to know what our benefits are, how much time will they have to play instead of work and why they should work for us instead of Procter and Gamble.

“Single parents are a big portion of our hires,” Weathers continued. “Do you offer child care? Do you offer shift work? Does it have to be 8 hours, 10 hours? If you’re thinking of this, do the people you’re looking to hire know that?”

Likewise, LEEF emphasizes the importance of branding your agency, allowing your department’s advertising message to constitute your identity for applicants. But before an agency can develop its brand, it needs to decide what its needs and goals are, and then match the marketed image with them, in order to attract applicants that match their goals.

“Community policing and generational differences have driven a reexamination of the selection process by forcing departments to rethink what specific characteristics they seek in their officers,” LEEF stated. “When considering the challenges of recruiting qualified applicants from younger generations, departments should consider restructuring the process to account for both applicant perceptions and departmental goals.”

Though there are dozens of issues surrounding recruitment and retention of qualified individuals who will make exemplary officers, understanding the dynamics of a new, up-and-coming generation and the paradigm shift in the attitudes and expectations of these individuals is paramount to the successful



▲ Berea police officers Chris Neal (front) and Ken Clark. Neal began his career with Berea in 2012, Clark in 1989.

PHOTO BY JIM ROBERTSON

“Community policing and generational differences have driven a reexamination of the selection process by forcing departments to rethink what specific characteristics they seek in their officers ...”

navigation of the recruitment and hiring process.

“We have to adjust to society’s expectations and Millennials expectations,” said DOCJT Leadership Instructor Chip White during the PECC round-table discussions. “They won’t adjust to us. We have to make the adjustments to reach them. They aren’t going to come to us and conform to our old expectations. We have to change those to be successful in recruiting the next generation.”

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DOCJT'S INSTRUCTORS

More than 80 instructors fill the classrooms at the Department of Criminal Justice Training, teaching fresh recruits and seasoned officers everything from how to properly handcuff a suspect to how to solve the bleakest cold case.

The professionals who share their wisdom and skills with students have wide and varied backgrounds. Their expertise and professionalism make DOCJT's instructors among the highest caliber law enforcement trainers in the country.

Through this series, we will introduce you to the men and women who are leading the way today for a safer and better Kentucky tomorrow.

It was 11 degrees. The winds from an arctic cold front swept through the baffles of the McKinney firing range as another class of Basic Training recruits exercised their handgun skills. The bitter cold stung Firearms Training Instructor Joe Wallace's skin as he demonstrated kneeling behind a barricade with a handgun to the students.

Despite blistering conditions, Wallace persisted in offering recruits the best instruction he could give them, as he has every day of his 11-year career as a DOCJT instructor. Bad guys don't take a vacation just because it's cold. DOCJT trainers don't either.

"We only have them for a short period of time, and what they get is what they're going out there and dealing with," Wallace said of the firearms instruction he provides. "The main drive for any of us — and I can answer this for any of the instructors in here — the thing that makes us get up and stand in 11-degree temperatures in the morning is knowing we are providing a service to that student. It is not for the officer's agency, not this organization — but to that individual officer who is going to go out there and put his or her life on the line. That's what lets me sleep when I lay my head down on the pillow, knowing I made a difference — hopefully a positive difference — in that person's life."

Wallace began the pursuit of his law enforcement career at just 20 years old. Those were the days a recruit could begin the academy early as long as he or she turned 21 before graduation, he said. For about a year, Wallace worked as a deputy for the Perry County Sheriff's Office before accepting a job as a patrolman more than 700 miles away in Biloxi, Miss.

"When I went to work, the city was so poor, we literally had to race to see who could get to the bank first on payday, because some checks bounced," Wallace said. "About nine months after I was hired, casino gaming was introduced, and a year later they had more money than they knew what to do with."

Wallace worked as a patrol officer for about a year before he was assigned to the investigations section, he said, where he spent the bulk of his career. He also served as a member of the agency's SWAT team and as a diver for the marine patrol, navigating the waters of Biloxi Bay and the Gulf of Mexico.

"The things I liked about working in Biloxi were the beautiful setting you worked in every day. Commuting to work each day, seeing the water, white sand beach, old antebellum homes, and huge live oak trees with Spanish moss hanging from them. Biloxi is a tourist town. I loved interacting with people from different places having a good time in our city. And >>



LEADING THE WAY:

Joe Wallace,
FIREARMS TRAINING INSTRUCTOR III

KELLY FOREMAN | PROGRAM COORDINATOR

>> of course, you cannot forget the southern hospitality everyone is engrained with.”

A decade later, Wallace left the beaches and sunshine of the coast for the Arctic Circle in Fort Yukon, Alaska, a community with a population of fewer than 600 and average temperatures barely above freezing.

“I worked there for a little over three years and pretty much worked everything,” Wallace said. “A sergeant told me when I was hired there that one year there was like seven anywhere else.”

Fort Yukon is about 165 miles north of Fairbanks by plane. There are no roads leading into — or out of — the town, Wallace said. More than 85 percent of the population is Native American and, in the winter, daylight only lasts about four hours.

“There are 24 miles of roads inside the city, but the only vehicles that came in either were brought in during the summer on a barge or were flown in on an aircraft,” he said. “That being said, you didn’t just take someone to jail. We had holding cells, but you could only hold someone 48 hours before you had to release them or transport them to Fairbanks.”

So Wallace learned to fly as a means of transporting prisoners — an experience that often was frightening.

“Usually you handcuff a suspect behind their back,” Wallace said. “In an aircraft you can’t do that, because if you crash, they have to be able to assist in getting themselves out of the aircraft. It’s kind of a unique situation — just you and the bad guy in a small airplane with his hands cuffed in his lap.”



PHOTO BY JIM ROBERTSON

By 2005, Wallace was looking to move back to the contiguous 48 and interviewed for a job as a DOCJT Basic Training instructor. He didn’t get the job. But in reviewing Wallace’s extensive training record and professional experience, then-Investigative Section Supervisor Frank Kubala, who was part of the interview panel, made Wallace a promise he couldn’t refuse.

“When [the interview] was over, Frank said, ‘I want to hire you to work in Investigations, but I don’t have any positions open,’” Wallace said. So I took the leap of faith and came down here and worked for the Eastern Kentucky University Police Department until there was an opening in Investigations and, being a man of his word, he hired me.”

Over the next two years, Wallace said he and the other Investigative Section instructors worked to update the Investigations curriculum and lay the foundation for a specialized academy to teach crime scene investigators everything from forensic mapping to arson investigation.

“We restructured and revamped the whole forensic program altogether,” Wallace said. “In digital photography, we went from using 35-mm cameras to digital cameras, and we changed the whole technology and class structure. With latent prints, we went from just using super glue and fingerprint powder to all kinds of chemicals and electrostatic dust lifters. In essence, that’s how we created the Kentucky Criminalistics Academy — we

tackled one topic at a time, and once we got them all updated and received the equipment we needed, we put it all together and came up with KCA.”

Wallace became a staple in investigations training, but after nearly six years serving the section, he decided to pursue a new role in DOCJT’s Skills Training Branch. As a longtime gun enthusiast, moving to the Firearms Section was a natural fit.

“I’ve always loved guns,” he said. “I build guns, shoot avidly. [In Biloxi] I was on the tactical team as a sniper and shot long distance.”

Wallace enjoys competing in shooting sports with the International Defensive Pistol Association, U.S. Practical Shooting Association and the International Practical Shooting Confederation. He admits now that he spends his working hours on the range, he doesn’t get out as much for personal enjoyment to shoot. It just so happened that the time period when Wallace transferred to the Firearms Section, it too was undergoing some changes, and Wallace was tapped to research bringing a virtual range to DOCJT.

“I began looking at all the different companies to try to get the best bang for our money based on how we were going to use it,” Wallace said of the virtual laser range. “There were six different companies we were looking at initially and I was weeding through the systems to see which one would benefit us the most. I also was looking at how other systems were set up. We are now the only training agency with a multi-screen virtual range in the United States. The only others are in the Middle East in Dubai and Saudi Arabia.

“We took a single screen, which is what most agencies use that can only shoot four at a time and pushed the manufacturer to make it shoot 16 at a time,” Wallace continued. “We have not tapped its full potential yet.”

The range was installed in July 2015, and Wallace said he already has noticed an unmistakable difference in the recruits who are using the virtual range in Basic Training.

“Not just in their marksmanship, but also their tactics,” he said. “It is not just the virtual range; we are using that system to do the threat-pattern recognition training, too. We use it in multiple ways for that training, marksmanship fundamentals and scenario-based training and decision making, which we are about to take to a whole new level. We were able to do handgun and rifle firearms training, but now we have Tasers and OC. So we will be able to do non-lethal decision making as well.”

In part for his work to develop and implement the new laser range, Wallace was named the 2015 DOCJT Instructor of the Year.

“I have been lucky enough that the agency has supported me in doing these big projects, and that it has made such an impact in the state’s law enforcement community,” he said. “Look what we do here in Firearms. We have an effect on the whole state every day we are training KCA, when you get those phone calls back saying that training we provided helped them solve a homicide or their major crime, and hear them say they couldn’t have done it if they didn’t have that training — that’s when the true satisfaction comes.”

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.

>> DOCJT'S INSTRUCTOR <<



All About JOE WALLACE

Firearms Training Instructor III

Years at DOCJT:

11 and a half years

Years in law enforcement:

11 years combined. Also has 11 years combined military time.

Degrees earned:

Holds a bachelor’s in Criminal Justice from University of Southern Mississippi and a master’s in Public Administration from University of South Alabama.

Favorite class taught:

“I have had the opportunity to teach some awesome courses during my tenure here at DOCJT, so it is hard to pick one,” Wallace said. “Kentucky Criminalistics Academy and Designated Marksman have to be at the top of the list, though.”

In part for his work to develop and implement the new laser range, Wallace was named the 2015 DOCJT Instructor of the Year.



DEF-ESCAPALATION

KELLY FOREMAN | PROGRAM COORDINATOR
PHOTOS BY **JIM ROBERTSON**

It's not a hug-a-thug program.
It's not begging and pleading.
It's not cause for delay when immediate action is necessary.

De-escalation is, however, a careful balance of tactics, knowledge, wisdom, communication and experience, said Department of Criminal Justice Training Instructor Tom Atkin.

Across the nation, those within as well as those outside law enforcement circles are questioning today's policing tactics. Words like "guardian" and "warrior" have become common vernacular as officials look to solve the growing unrest between officers and citizens.

Seattle, Los Angeles, New York City, Kansas City and San Diego are just a handful of the communities whose attention has turned toward teaching officers

de-escalation tactics alongside the use of force continuum. Studying these tactics and employing them on the street in hopes of decreasing use of force is becoming a growing trend.

Response from those who have served for years under policing philosophies such as Broken Windows and crime-reduction strategies like CompStat has been mixed. Many officers argue that de-escalation leads to hesitation and officers getting injured or killed. Others have noticed the necessity for change in the current climate.

Kentucky is no different, Atkin said. A 19-hour block — 15 of which are practical exercises — has been added to the DOCJT Law Enforcement Basic Training Academy for new recruits joining the commonwealth's ranks to get in front of this national trend. Additionally, Atkin said de-escalation tactics are being integrated into skills training as well as advanced individual training to extend the practice to all policing ranks.

Understanding the processes involved with de-escalation and how it works may be key to keeping your Glock in its holster, when it's appropriate.

"It's not about winning an argument," Atkin said. "It's not about debating, and it's not about trying to convert somebody to your way of thinking. It is not about holding court on the side of the road."

RULE NO. 1

Perhaps the most important part of de-escalation is that this tactic is NOT appropriate when faced with an immediate, physical threat, Atkin said. When someone is threatening your safety, it's time to act, not talk. But if a deep breath, a smile and an understanding tone can bring an unruly suspect back into compliance, taking note of your actions and how they may affect the situation can possibly prevent a situation from spiraling out of control.

University of California, Los Angeles life sciences and psychology Professor Dr. Albert Mehrabian conducted a number of studies more than four decades ago that have formed a foundation for how we understand communication today. In his research, Mehrabian concluded that only seven percent of any message is conveyed through the words spoken. The remaining 93 percent are non-verbal communications — 38 percent represents vocal elements such as tone, while the remaining 55

percent is comprised of facial expressions, posture, gestures and more.

Much of our non-verbal communication is subconscious. But as an officer, it's important to be in tune with how you present yourself on the road. Particularly if adjusting your tone and facial expressions can mean the difference in a calm encounter and filing a use of force report.

"I define de-escalation as wise decisions made to gain compliance with the least amount of intrusion on personal rights when sufficient, reasonable attempts have been made to gain compliance before force is applied," Atkin said.

One way to maintain your composure and lead to de-escalating a situation when things get heated is to know your triggers, Atkin said. As part of the Basic Training class, Atkin asks officers to consider

words or phrases someone may say that could make a civil encounter turn ugly. Comments like, "I pay your salary," or derogatory names and labels may be uncomfortable. But knowing how you will respond when someone becomes verbally offensive can help you counteract those emotions with a calm and professional demeanor, Atkin said.

"This also includes the avoidance of unnecessary escalation," he said. "One big question I tell officers to ask themselves is, 'Is this worth it?' Is what this could turn into worth it? I encourage them to use officer discretion — which is a big part of de-escalation. ... But the goal there is to tell them that being forewarned is being forearmed. They need to know how to control themselves first before they can control other people." >>

Perhaps the most important part of de-escalation is that this tactic is NOT appropriate when faced with an immediate, physical threat.

A Conversation for Success

De-escalation is as much about preventing an encounter from escalating toward use of force as it is about mitigating an out-of-control scenario. Below is a suggested template for success when met with a person who is not resistant.

- Listen
- Give two options
 - One positive (compliance)
 - One negative (non-compliance)
- Give a second chance
- Confirm non-compliance
 - Is there anything I can say or do to get you to cooperate with me?
 - Are you saying that you will not cooperate with me, even if it means being arrested?
 - Even if you do not agree with it, you do understand that the law requires you to cooperate, don't you? ■

— Courtesy of DOCJT Instructor Tom Atkin



Positive or Negative? Does Word Choice or Tone Matter Most?

The following list of phrases may be some you have commonly used. But how does tone and body language affect your word choice? Consider each of these statements when applied to the photos shown. How does the way you hear the phrase in your mind change depending on which photo you’re comparing?

- Excuse me, may I talk to you?
- Calm down.
- What can I do to help?
- What’s your problem?
- Can you work with me?
- You look like a reasonable person.
- You people.
- What’s the matter?
- Would you assist me?
- How may I help?
- Come/get over here.
- I’m not going to tell you again.
- For your safety and mine.
- Did you hear what I said?
- Sit down.
- Shut up and let me talk.
- Would you please?
- It’s my turn to talk.
- Do you want to go to jail?
- What do you want me to do about it?

Your success with these de-escalation tactics ultimately depends on the cooperation of the person you encounter. Understand that no matter what you do, what THEY do ultimately drives the result. Treat people the way you would expect to be treated, given the circumstances. ■

— DOCJT Instructor Tom Atkin



▲ This deputy’s body language infers that he is confrontational, leaning forward and pointing for the subject to follow his directions. What tone do you expect, given the deputy’s facial expression, would come across in his word choice?



▲ The deputy’s arms are crossed and he is leaned back, unready to respond. His disgusted attitude is written all over his face. How does his demeanor affect a subject’s response to the question, “What do you want me to do about it?” versus the stance and expression of the deputy directly below, given the same question?



▲ If this deputy asked a suspect, “Do you want to go to jail?” what can you infer about his tone and attitude based on his body language? The deputy’s facial expressions indicate he is annoyed and fed up with this discussion. Could the same question be interpreted in a positive, helpful manner if asked with a more concerned appearance?



▲ This deputy’s open hands exhibit an appeal to the subject. Imagine him saying “Can you work with me?” His body language suggests that he is open to communication and willing to help.



▲ Standing in the interview position, this deputy exhibits a pleasant expression and a readiness to help. Even if he issues commands such as, “Sit down,” in this stance, a subject is more inclined to receive the message in a firm, yet respectful, manner.



▲ This deputy is exercising a calming approach with his hands faced palms down and an expression that indicates concern. Even if he says, “I’m not going to tell you again,” in a calm and careful tone, his intent does not come across as combative or instigating.

>> CHOOSE YOUR BATTLES

On a rainy afternoon at the end of a long shift full of disrespectful people, lazy co-workers and dreary working conditions, you stop a driver for running a red light. You approach the vehicle and the driver is visibly angered by the stop. While he complains about you making him late to his next appointment, you stand in the rain getting soaked, ultimately listening to him list the reasons why you should have stopped the other drivers who were disobeying the law and asking why you chose to single him out.

You have three choices in this given scenario, Atkin says. Act, disengage or get help and return.

"If you meet verbal abuse, if there is any kind of physical threat, act," Atkin said. "If they have committed a crime in the

process that requires action, take action. If it is worth it and you have gone through the basic process of the meet and greet, explaining why you stopped them, asking for cooperation and listening, explain why you need their cooperation and then give them options. You're not giving them a list to choose from, but give them one positive and one negative choice. For example, 'You need to comply with me or this is what the law says will happen.'

"Give them the options and let them choose," Atkin continued. "If they choose not to comply, that's where you can confirm with them by saying something like, 'What you're telling me is that you would rather risk being cited or arrested than showing me your driver's license?' Then, even if you have confirmed non-compliance, you have to choose — do I act or disengage; which leads me back to the question, 'Is it worth it?'"

When giving the suspect options, remember to pay attention to your hand gestures, the tone and words you choose, Atkin said. A different response is often garnered, for example, by, "Can you work with me?" than with a pointed finger in their face asking, "Do you want to go to jail?"

"Having your hand on your weapon, how you hold your flashlight — these aren't 'always' or 'never' things, but anything you do can have some kind of impact or effect on what (the bad guy) does," Atkin said. "Sometimes that's desirable, sometimes it's not. You can create a worse situation."

The outcome of these scenarios often comes with the officer's own self-confidence, however, Atkin said.

"You don't want to extend your hands into the open space or get too close," he continued. "Tactics are all part of it. One big point is that I firmly believe an officer's predisposition or inclination to attempt these de-escalation skills is directly related to his or her level of confidence in how they will handle the situation if it goes south. If they lack confidence, fear can control when we have a tendency to respond more aggressively."

In class, Atkin goes into extensive detail about the three types of people — those who are cooperative, those who are challenging and those who are manipulative. There is roughly 10 percent

of the population that, for one reason or another, cannot be de-escalated, Atkin said — an important fact to keep in mind. But the bottom line Atkin encourages officers to consider is, what is your objective?

"What are you trying to accomplish?" Atkin asked. "Are you trying to coerce cooperation or obtain consent voluntarily? Are you here to force respect or gain compliance?"

Maintaining a calm and professional decorum also is important if, as the encounter continues, you realize you need more from the suspect. For example, if that same driver on that traffic stop is actually angry you stopped him because he has a glove box full of drugs, getting consent to search the vehicle is a lot easier if you have not been combative or derogatory toward the driver, regardless of his actions toward you, Atkin said.

"How many people do you think are going to be willing to negotiate with you after you shoot at them?" Atkin said. "You need to use a lot of 'sir,' 'ma'am' and 'please.' My point is, you never know where this is going to go. If you predetermine and act accordingly, you may have some problems."

De-escalation isn't just about bringing a situation down, Atkin said. It also can be

about keeping a situation from escalating into something more. He urges officers not to be clever, but instead be careful about their decisions. And if ultimately you have to act, remember that once you have gained compliance, the fight is over.

"Even if you had to fight, it's over and there is no need to mistreat them or abuse them, discipline them or punish them," Atkin said. "That's not what this is about. Pick them up and dust them off. Hey, this is business. You're right back to conversational tones. If you don't do that, it will cause problems later. But we're professional the whole time. This isn't personal. None of it should be — not for you." 🚒

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“When giving the suspect options, remember to pay attention to your hand gestures, the tone and words you choose.”



Keys to Success against Verbal Resistance

- Request, don't command
- Listen, don't wait to talk
- Empathize
- Find common ground
- Deflect verbal abuse
- Provide options
- Confirm non-compliance
- Paraphrase before acting or disengaging ■



during the first 30 days the Federal Aviation Administration was open for drone owners to register their unmanned aircraft systems, the FAA reported more than 300,000 people had registered on the site. 300,000.

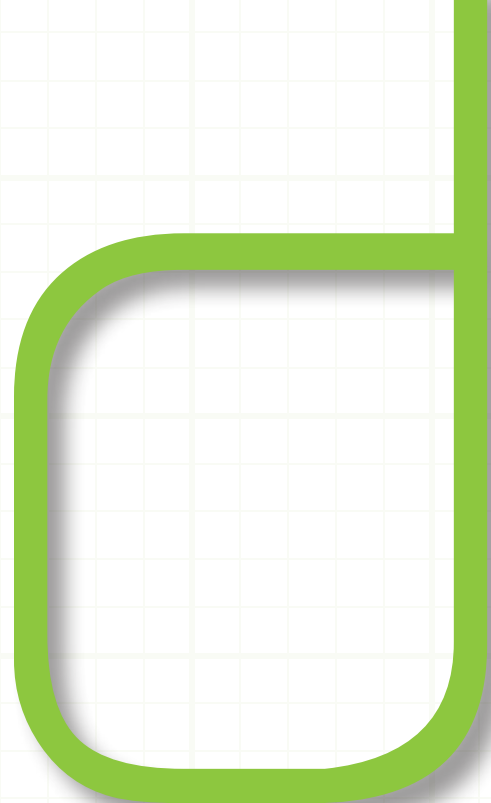
In five years, the FAA also has seen a jump in government agencies applying for their Certificate of Authorization — from 146 certificates issued in 2009 to 609 in 2014, the latest year data is available.

The long and short of it is that drones are everywhere. As law enforcement, not only do you need to know how to police them — you also should know whether or not they may benefit your agency.

KELLY FOREMAN | PROGRAM COORDINATOR
PHOTOS BY JIM ROBERTSON
PHOTO ILLUSTRATIONS BY TRANG BASEHEART

DOES YOUR AGENCY NEED A





rones are everywhere.

If you opened a Black Friday sales ad last Thanksgiving, chances are you saw a drone among the technology sold across the country. In fact, consumer reports estimate more than one million drones were sold during the holiday season.

So if you haven't seen one yet, don't worry. You will.

As with most new technology, there are more questions than answers. Legislators everywhere are scrambling to write laws that dictate the rules of the air. The Federal Aviation Administration in December made it mandatory for drone users to register them on the FAA website, but the legality of that measure is still being questioned. Privacy groups are waving the Constitution in protest of Big Brother peeking in private windows during flights.

There are just as many questions for law enforcement. How can we use it? How do we enforce the laws? What are the laws? What is a Certificate of Authorization? What will the community say? What are the pros and cons? Do we need a warrant to use it? And a favorite among administrators — how much is this going to cost?

Why are there more regulations for law enforcement use than for my 12-year-old neighbor who received a drone for Christmas?

FIRST IN THE STATE

Somerset Police Capt. Shannon Smith has been seeking the answers to those questions and more for the past year. Thanks to an established relationship with the Department of Justice, Smith said the DOJ contacted the agency about taking on a drone to test its use in a law enforcement setting.

"As a result of that request and the appearance that we needed to get a lot of things done up front, we applied for a Certificate of Authorization from the FAA," Smith recalled. "Eight months later when we finally received that in the form of a training authorization, things had changed with the original offer from DOJ. So we had a COA — which was the first for any law enforcement agency in the state of Kentucky — with no aircraft."

Smith and Somerset Police Chief Doug Nelson considered their options. Nelson approved the purchase of a drone and the necessary equipment for its use at a budget of \$2,500 — a significant drop from the \$85,000 drones the agency was considering from the DOJ. After some research, Smith chose to purchase what is considered a hobby-level drone — the DJI Phantom III.

◀ Somerset Police Officer Shawn Dobbs, right, served as Somerset Police Capt. Shannon Smith's visual observer while flying the agency's drone recently. A visual observer is a mandatory requirement among the FAA's safety rules and regulations. (Shannon Smith can be reached at shannon.smith@somersetpd.com.)

PHOTO BY JIM ROBERTSON

"I knew the Phantom III was a viable option," Smith said. "Once we got it here and unpacked and updated the COA with the FAA, we had been authorized to conduct training flights in a small area in the eastern part of the county, which basically was farm land away from the airport and any controlled airspace. What I thought was going to take a while to get used to — what I had estimated would take hours — really took minutes to get this thing in the air, just because of how these things are engineered and the user-friendly nature in which they are produced.

"As soon as we got it up and running, after the first couple flights, I started the process of applying for what we call a jurisdictional or operation certificate of authorization," Smith continued. "That opened up a much larger area for photo missions, crime scene photos, that type of thing."

It took a month or two to receive the second authorization, Smith said, and after spending some time learning about and operating the technology, he had nothing but good things to say about the drone itself. Particularly when weighed in comparison with the cost and benefits of the agency's manned aircraft, a light sport gyroplane Smith has flown for SPD for years.

"With the small investment we have in this compared to the value of our manned aircraft and what we are getting in return, the maintenance cost with these things — there really is no comparison," Smith said. "One estimate says it takes about 10 cents of electricity to recharge one of these batteries on the Phantom III. We have four

batteries, so there's 40 cents it is costing us to fly that thing for over an hour — with about a 23-minute battery life from turning on until it's completely dead. What it is giving us in return in the form of HD video and very high resolution photos, again, there's no comparison."

JUMPING THE HURDLES

Operating the drone as a government agency has come with its own set of hurdles, Smith said, though he is hopeful that with time some of those hurdles will be minimized.

"Probably the two biggest things are, number one, that you have to have a certificated pilot behind the patrols," Smith said. "They want you to understand the right-of-way rules, the national airspace system, weather minimums and when you can and cannot fly legally. So, the easy thing for the FAA to do was to say that everybody needs to be a pilot. That puts everybody on a level foundation.

"Second, you have to have visual observers," Smith continued. "That means you can't just go out and fly these things with just the pilot. The visual observer is dedicated to scanning the sky for other aircraft to make sure there are no traffic conflicts. They are surveying the position of the aircraft relating to any obstructions or obstacles, which raises the safety factor."

Before flying the drone, Smith said an operator also is required to file a notice to airman through Washington D.C. The

notice lets air traffic control know the area and time frame for the intended flight. The notice on a routine flight must be filed a minimum of two hours in advance. In an emergency situation, a 30-minute heads up is required before the drone can take to the air.

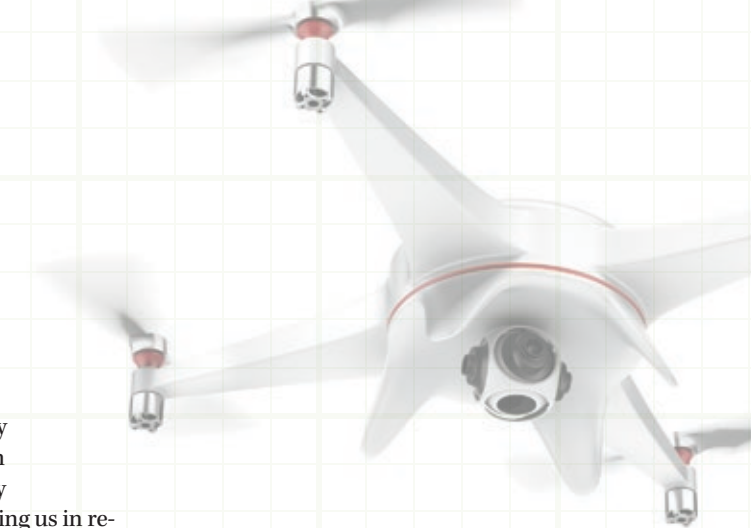
"That means if we are flying a mission, we have to file a notice saying we are at this particular location between the surface and 400 feet within a .2 nautical mile ring, operating an unmanned aircraft," Smith said. "This is who I am, this is my certificate number and everything you need to know about my authority to operate the drone. The time frame is probably the biggest hurdle. Granted, by the time you get the phone call and get the information, you turn around and call [the airman], gather the equipment, drive to the location and get briefed, 30 minutes can transpire very quickly. The delay, if any, may be very minimal."

While the hurdles may seem onerous, jumping them may not be as intimidating as it seems. For example, Smith said he gets many phone calls from officers interested in acquiring a drone for their agency. Most, however, don't call back when he tells them they have to have a certificated pilot behind the controls, he said.

"There is nothing in the regulations that say the person flying the aircraft has to be a certified police officer, though," Smith said. "It just says he has to be a pilot. Most communities know a pilot. The only thing he really needs to be is trustworthy and reliable."

Becoming certified as a private pilot took Smith about one year, he said. Using a local citizen during the time it takes for an officer to become certified may be a viable option for some agencies if they don't want to rely on a civilian citizen long term. >>

“With the small investment we have in this compared to the value of our manned aircraft and what we are getting in return, the maintenance cost with these things — there really is no comparison.”



DRONE SPECS

The following is a sample of the three types of drones available on the market to give you an idea of the range of options — and prices —available.

HOBBY LEVEL DRONE (MODEL AIRCRAFT OPERATIONS) Parrot AR.Drone 2.0 Quadcopter Elite Edition – \$299.99

- Speed – up to 15 mph
- Wireless range – up to 165 feet
- Camera info – 92 degree wide angle lens, HD 1280 x 720p, low-latency streaming via Wi-Fi to mobile device
- Battery life – up to 12 minutes
- Weight – 13.4 ounces



PROFESSIONAL LEVEL DRONE (PUBLIC OPERATIONS/GOVERNMENTAL) DJI Phantom 3 Professional Quadcopter with 4K Camera and 3-Axis Gimbal – \$1,154.90

- Speed – 16.4’ fps/5m/s ascent. 9.8’/3m descent
- Wireless range – above sea level 19,685’
- Camera info – Sony Exmor, 12.76 MP resolution, 94 degree field of view
- Battery life – up to 23 minutes
- Weight – 2.82 pounds
- Operating temperature – 32 to 104 degrees
- Mobile app – DJI Pilot



COMMERCIAL LEVEL DRONE (CIVIL OPERATIONS/NON-GOVERNMENTAL) FREEFLY Alta Drone with MoVI M15 3-Axis Gimbal Kit – \$22,340.00

- Thrust Ratio – 2.0:1 at max takeoff rate
- Material – Carbon fiber with balsa core
- Camera info – bottom and top mount
- Power requirements – 9 to 18 VDC
- Weight – 7.1 pounds
- Payload weight – maximum 15 pounds
- Camera cage dimensions – 7.99” x 7.99” x 7.76”
- Propellers – six, 18 x 6 folding



>> Smith was invited by the DOJ to sit on a panel of experts in Washington D.C. to discuss drones and related privacy concerns. Among the discussion topics also, he said, was an effort to even the playing field of restrictions and guidelines that apply to government agencies versus private-citizen drone use.

“Hopefully the FAA will relax some of those rules soon so more departments can use drones without having a certificated pilot on staff or under some agreement,” Smith said. “I know the Integration Office is working hard to make this transition into unmanned aircraft as easy as possible.”

GETTING STARTED

As with any piece of technology, there is a lot to consider before investing in a drone. For instance, it’s important to note that there are three categories for drones — commercial use, public use and hobbyist use. Does the drone your community can afford have an attached or integrated camera? What is the quality of the images the drone camera produces? You need to understand how the drone will perform when the skies are less than sunny, how long the battery will last — and how long it takes to recharge. All these things and more are important, but Smith argues the tech specs come secondary to knowing your purpose for using one.

“The number one thing is to identify your need for the drone,” he said. “Don’t let your purchase dictate what type of mission you may use it for. Let the missions you anticipate dictate your equipment. If you can’t get by without thermal imaging, then it doesn’t matter how inexpensive the non-thermal models are, you need to concentrate on thermal.”

Most law enforcement agencies have reported using drones effectively in the following situations:

- Accident reconstruction
- Tactical operations
- Intelligence and evidence gathering
- Traffic and crowd control
- Search and rescue efforts
- Emergency and disaster response

If you’re considering purchasing a drone, determine which of these needs — or any not on this list — would benefit your agency most in operating the aircraft. Once you have an intended purpose, then you can identify which model of drone fits your budget and needs.

Geospatial World, a commercial research group, published a report in late 2014 with a lengthy list of considerations to be made when selecting a drone. Since a drone is only as good as the images it produces, one of the first things GW suggests is to look at the payload design to determine if you can attach a commercial camera or if the drone is equipped with an integrated custom camera.

“While the first type of system may allow for a greater choice of cameras, the only information provided is imagery — photos and videos,” the report states. “A system with an integrated camera enables more flexibility in the type of information collected, but also the images can be tagged with metadata.”

Taking weather conditions into consideration and reviewing the capabilities of any drone in windy weather also is important, the GW report states.

“A(n) unmanned aerial vehicle) that cannot operate in moderate winds could have a negative impact on how often it can be used reliably in the field,” the report continued. “Adjusting for wind speed at flying altitude is another requirement for a UAV — not just the average wind speed, but also the strength and severity of gusts.”

Many companies will give you the opportunity to request a demonstration of the equipment before purchasing it, which will give you an opportunity to see firsthand how it will perform, the information that can be collected and safety features and how quickly you can review the data.

“When choosing a UAV in order to maximize (return on investment), ensure

results and lasting evidence, the system should be lightweight, portable and easy to use, and offer immediate deployment, specialized imaging payloads, intuitive controls and seamless integration with industry-standard software applications,” the GW report states.

BY THE BOOK

Once you review and understand both the FAA rules and all applicable laws, the International Association of Chiefs of Police has created a short set of guidelines they recommend for police agencies using drones.

“We also live in a culture that is extremely sensitive to the idea of preventing unnecessary government intrusion into any facet of our lives,” the IACP Aviation Committee wrote in their recommendations. “Personal rights are cherished and legally protected by the Constitution. Despite their proven effectiveness, concerns about privacy threaten to overshadow the benefits this technology promises to bring to public safety. From enhanced officer safety by exposing unseen dangers, to finding those most vulnerable who may have wandered away from their caregivers, the potential benefits are irrefutable. However, privacy concerns are an issue that must be dealt with effectively if a law enforcement

agency expects the public to support the use of [unmanned aircraft] by their police.”

The first of IACP’s suggestions include engaging the community in the beginning of pursuing a drone purchase. Local government members, media representatives, civil liberties advocates and private citizens all should be provided the opportunity to review the cost and benefits analysis, as well as agency procedures as they are drafted, the recommendations state.

Second, the IACP committee outlines a few system requirements to consider in

the technology purchase. For example, it recommends that the selected drone have “the ability to capture flight time by individual flight and cumulative over a period of time.” Purchasing a drone that has a high-visibility paint scheme also is recommended — or painting one in bright colors to increase line of sight should be considered. Perhaps most significantly, equipping the drones with weapons is “strongly discouraged.”

“Given the current state of the technology, the ability to effectively deploy >>



▲ The DJI Phantom drone model Somerset Police are using has its own, integrated camera. When choosing a drone for your agency, knowing which ones have an integrated camera and which ones allow you to mount your own is important. The quality of photos and video produced by an integrated camera also should be considered.

PHOTO BY JIM ROBERTSON

Types of Authorized UAS Ops and Required Documentation:

Required documents must be in operator's possession and presented to law enforcement upon request per 49 U.S.C. 44103(d)

Model Aircraft

An unmanned aircraft that is 1) capable of sustained flight in the atmosphere, 2) flown within visual line of sight of the person operating the aircraft, and 3) flown for hobby or recreational purpose. Must be operated within ALL of the following parameters:

1. Strictly for hobby or recreational use
2. Must give way to manned aircraft
3. Less than 55 pounds²
4. Operated in accordance with community based set of safety guidelines³
5. If within 5 miles of airport, must notify airport operator and control tower (if tower)
6. Registration and Markings⁴

Model aircraft operating standards are governed under P.L. 112-95 (Feb 14, 2012)

Non-Model / Commercial

Any UAS operation conducted for non-hobby or commercial purpose OR any operation that does not meet the parameters for Model Aircraft. Operator must possess ALL of the following documents:

1. Section 333 Exemption or Aircraft Certification⁴
2. Certificate of Authorization (COA)⁵
3. Aircraft Registration and Markings¹
4. Pilot certificate⁶

ALL UAS:

- Must have Registration and Markings¹ (required for all UAS greater than 0.55 lbs)
- Must not endanger persons or property on the ground
- Must give way to and not interfere with manned aircraft
- Must comply with all flight restrictions and Temporary Flight restrictions⁷
- Are subject to legal enforcement for Careless or Reckless operation

Public / Government

Public agencies or organizations that conduct UAS operations for a government function. Operator must possess ALL of the following documents:

1. Certificate of Authorization (COA)⁵
2. Aircraft Registration and Markings¹

¹ Aircraft Registration and Markings: All UAS greater than 0.55 lbs are required to be registered, regardless of the type of operation. The operator must provide the registration certificate (paper or electronic) upon request and the UAS must be marked with registration or serial number. UAS purchased on or after December 21, 2015, and used exclusively as model aircraft, must be registered prior to operating in the NAS. UAS that have been operated in the NAS by the current owner, and used exclusively as model aircraft prior to December 21, 2015, must be registered by February 19, 2016. To verify registration, contact a LEAP agent during normal business hours or the Regional Ops Center after hours.

² Aircraft is limited to no more than 55 pounds unless certified through design, construction and inspection by community based organization.
³ A membership based association that represents the modeling community and provides its members a comprehensive set of safety guidelines.

⁴ 333 Exemption: FAA Letterhead dated and signed with an Exemption Number and Regulatory Docket Number. Includes conditions and limitations, such as: (Not required for UAS with an FAA Airworthiness Certificate or Public/Government Operators.)

- Line of Sight: The UAS must be visible at all times to the operator using his or her own natural vision.
- Daytime only: Unless specifically authorized in the COA, UAS operations must be conducted during daytime only.

⁵ Certificate of Waiver or Authorization (COA): FAA Form 7711-1 signed by UAS Tactical Operations Section and includes FAA Docket Number. Addresses specific restrictions such as:

- Altitude: As stipulated on cover page of COA, Generally 400' or 200' (but can be higher).
- Proximity to Airports: As stipulated on COA.

⁶ Pilot certificate: All non-model/commercial operators must have an FAA pilot certificate (Government agencies may self-certify pilots)

⁷ Temporary Flight Restrictions (TFR) are common for Presidential movements, select sporting events, theme parks. Active TFRs are published here: www.faa.gov



PHOTO ILLUSTRATION



▲ Geospatial World, a commercial research group, published a report in late 2014 with a lengthy list of considerations to be made when selecting a drone.



◀ IACP Guidelines



◀ The Federal Aviation Administration provided this card as a resource to law enforcement handling drone complaints. You can print the card online to keep in your cruiser for quick reference.

>> weapons from a small UA is doubtful,” the recommendations state. “Further, public acceptance of airborne use of force is likewise doubtful and could result in unnecessary community resistance to the program.”

Finally, the committee offers a list of operational procedures and guidance for image retention. Among the recommendations are that all flights be approved by a supervisor, the drone be used strictly for legitimate public safety purposes and a search warrant be obtained prior to flight if, during evidence collection in a criminal case, the drone could intrude upon “reasonable expectations of privacy.”

“We are so far behind the times,” Smith said of American law enforcement using drones. “Canadians have been using these things for many years in collision reconstruction. They get a call, respond to the scene, open the trunk, put batteries in one of these things, lift off and fly for eight to 12 minutes. During that time they take a series of 100 to 200 photos, land, package the drone back up, tell the patrol officer working the scene they are done, call the wreckers and drive off. Then they go back to the agency, download these images into the software, which renders a full-scale, three-dimensional image of that collision scene. If you need measurements, you can get the tire width measurement from this software. It’s just phenomenal what they are doing with this technology.”

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IN THE NEWS

PHOTO ILLUSTRATION

Dutch Police Using Trained Eagles to Capture Drones

The animal vs. machine moment is brought to you by Guard From Above, which describes itself as “the world’s first company specialized in training birds of prey to intercept hostile drones.”

The Hague-based company’s latest customers are Dutch police, who have been looking for ways to disable illegally-operating drones. A police spokesman told Dutch News that the effort remains in a testing phase, but he called the use of birds to combat drones a “very real possibility.”

“It’s a low-tech solution to a high-tech problem,” a national police spokesman said. ■

ACROSS THE U.S.

KELLY FOREMAN | PROGRAM COORDINATOR

Law enforcement agencies and state legislators across the country are trying to decide how to implement drones into the police technology toolbox in a manner that is effective, legal and respects the privacy of citizens. Here is a look at what some others around the nation are doing.

Illinois – As of December 2015, the *Illinois State Police* had flown nearly 50 missions using the agency's two drones after being certified in May. The drones mostly have been used at accident scenes, the agency reported. "Measurements that traditionally took several hours can be reduced to about 15 to 20 minutes, to deploy the [unmanned aircraft system] technology, capture aerial photos and accurately document those scenes," said Capt. Matt Davis, commander of the Illinois State Police's crime scene services command.

Orland Park Police Department, a suburb of Chicago, also announced in November of last year it was authorized to use, and has purchased, a Phantom III drone. They intend to use it mostly for search and rescue missions, disasters, active-shooter situations and traffic crashes. Illinois lawmakers have enacted the Drone Surveillance Act in the state, which restricts police from using the drone for investigations without a search warrant.

California – the *LAPD* was given two Draganflyer drones in June 2014 from the Seattle (Wash.) Police Department, and the

technology has been gathering dust ever since. Discussions about policy and procedures have halted their use, according to tech journalism website, Motherboard.

Massachusetts – The *Massachusetts State Police* announced in January its intent to launch a public awareness campaign about drones. The agency hopes to teach local citizens about FAA rules — like not flying a drone into an international airport runway area, which happened twice recently at Logan International Airport, the Boston Globe reported.

Tennessee and South Carolina – Two bills have been proposed in the southern states that outlaw weapons from being

attached to privately-owned drones. However, both bills fall short of restricting law enforcement from weaponizing their drones. If passed, these states would not be the first to allow law enforcement to operate their drones with weapons on board.

North Dakota – The state passed legislation in August 2015 that allows officers to deploy drones with Tasers and tear gas.

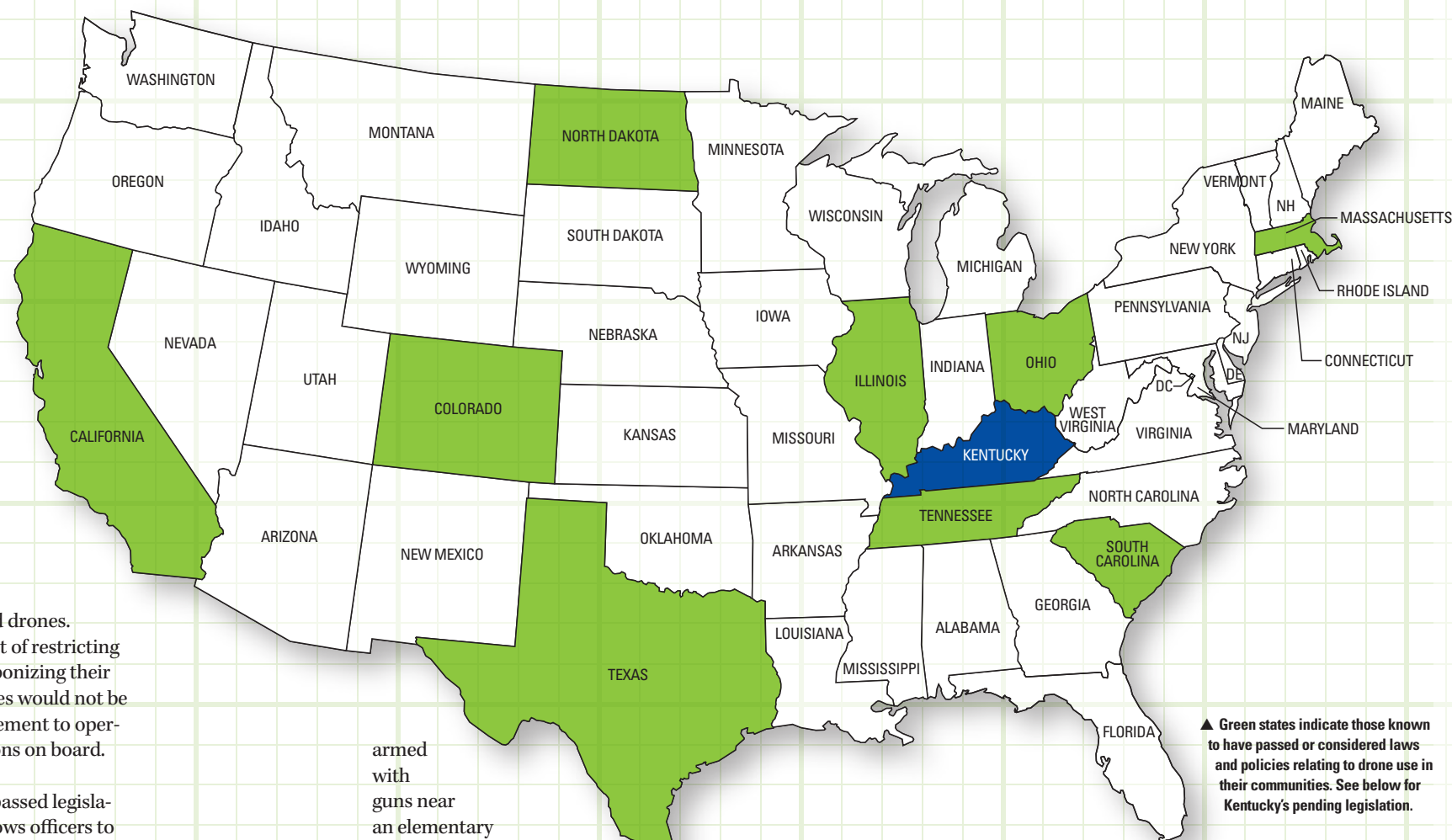
Texas – In December, the *Corpus Christi Police Department* was featured by a local news station after using its Maxsur Seeker drone — a \$12,000 unmanned aerial vehicle, made specifically for law enforcement, the agency acquired via grant funding — to capture suspects who reportedly were

armed with guns near an elementary school. "FLIR thermal imaging technology used by the quadcopter drone above helped officers clear the area," the TV station reported.

Ohio – Senators in Ohio are considering a bill that would require officers to obtain a search warrant in most circumstances before using drone technology for criminal investigations. The legislation also defines a set of rules about when and how officers can use drones — including restricting their use of armed UAVs.

Colorado – perhaps one of the first U.S. agencies to operate drones, the *Mesa County Sheriff's Office* has been flying the unmanned aircraft since 2010. Interviewed in 2013 by the Colorado Independent newspaper, Program Director Ben Miller said he had talked to other law enforcement agencies on a weekly basis about getting drones in the air, but most were intimidated by the FAA's paperwork. Miller testified before the U.S. Senate Judiciary Committee about law enforcement-drone use and said he has worked to convince "the FAA these rules are ridiculous and you're standing in the way of an incredibly important tool."

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Kentucky Legislators Consider Drone Laws

In the 2016 legislative session, three bills were introduced regarding drones. At the time of publication, these bills were still being considered.

House Bill 22 – an act relating to drone surveillance. Create a new section of KRS Chapter 500 to define "drone;" prohibit a law enforcement agency from using a drone to gather evidence or other information; provide exceptions; prohibit use of evidence obtained in violation; provide that the Act may be cited as the "Citizens' Freedom from Unwarranted Surveillance Act."

House Bill 67 – an act relating to drone harassment. Create a new section of KRS Chapter 525 to define the new offense of drone harassment; amend KRS 446.010 to define "drone."

House Bill 120 – an act relating to the use of drone for an unlawful purpose. Create a new section of KRS Chapter 500 to define "drone;" prohibit the use of a drone for purposes of harassment, to commit acts of voyeurism, or facilitation burglary; allow the use of drones for lawful commercial, personal or law enforcement use; provide that a violation of this section for use of a drone for harassment purposes is a violation and for any other purpose enumerated in the section is a Class B misdemeanor. ■



IN THE NEWS

PHOTO ILLUSTRATION

POLICING PRIVACY AND PEEPING TOMS

KELLY FOREMAN | PROGRAM COORDINATOR

“Kentucky law regarding trespass does not specifically address the rights of unmanned aircraft to traverse the skies above private property. It defines a trespasser as ‘any person who enters or goes upon the real estate of another without any right, lawful authority or invitation, either expressed or implied.’ Kentucky Revised Statute 381.231.”

The state statute is coming into question in a civil lawsuit quoted above filed in the U.S. District Court of Western Kentucky by David Boggs, a Hillview resident whose drone was shot down last year by William Merideth — better known in the media as the Drone Slayer.

Merideth claims Boggs violated his privacy by flying the drone over his property. He claims he shot the drone with his shotgun because he thought it was spying on his teenage daughters.

“We live in a society now where we don’t know what these people are doing,” Merideth told a local news station. “We don’t know if they are pedophiles looking for kids, we don’t know if they are thieves, we don’t know if it is ISIS.”

The issue of privacy concerning drones is a major issue for private citizens. The Boggs v. Merideth case is expected to set a national precedent where none currently exists. Kentucky also is considering three pieces of legislation that could provide more guidance soon.

But until more laws are signed, tested and tried, the Federal Aviation Administration offers the following advice for law enforcement when confronted with a drone complaint.

If you suspect an Unmanned Aircraft System operation is unsafe or unauthorized:

1. Locate the operator

2. Ask for registration and verify markings on the UAS — Required for all UAS greater than 0.55 pounds
3. Ask operator for the type of operation and to present appropriate documentation
4. Interview operator and collect the following information:
 - Name, address and positive ID of operator
 - Record Registration Number and the FAA Docket Number from Exemption or COA
 - Document time, place and details of flight (take pictures and interview witnesses, etc.)
5. Take action based on local laws, ordinances and directives
6. Contact the FAA:
 - General inquiries — contact the Regional Operations Center
 - Investigation support — contact an FAA Law Enforcement Assistance Program (LEAP) Special Agent

For more detailed guidelines, the FAA also has created the Law Enforcement Guidance for Suspected Unauthorized UAS Operations manual, which can be found at https://www.faa.gov/uas/regulations/policies/media/FAA_UAS-PO_LEA_Guidance.pdf.

“While the FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to use UAS, the agency also recognizes state and local law enforcement agencies often are in the best position to deter, detect, immediately investigate and, as appropriate, pursue enforcement actions to stop unauthorized or unsafe UAS operations,” the FAA website states. 🌱

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◀ FAA Guidelines



IN THE NEWS

How do you catch a drone? With an even BIGGER drone and a giant net: Tokyo police reveal bizarre ‘UAV catcher’

Tokyo police have put together the nation’s first drone squad in response to a security breach earlier this year. The Metropolitan Police Department will be given a fleet of net-carrying drones that will locate and capture malicious ones seen flying near public officials.

The drone squad, which is part of the MPD’s riot squad, will patrol important government buildings looking for suspicious drones. If any are detected, the officer will warn the operator to ground their craft, and, if they refuse to comply, the officer will let their drones loose.

These elite drones will capture the rogue flying device with a net and bring it in for questioning. ■



DRONES AND THE LAW

SHAWN HERRON | STAFF ATTORNEY,
DOJCT LEGAL TRAINING SECTION

It's a bird, it's a plane ... no, it is a drone, or more properly, in federal parlance, an unmanned aerial vehicle. UAVs, usually in the form of small quad-copters, have become popular both as toys and as tools for a wide variety of Kentucky citizens, including public safety. Many of these items have cameras, now, as well, setting them apart from the radio-controlled small aircraft that has been a popular hobby for many years, and that often mimic in appearance their larger counterpart — making them truly “model” aircraft.

The issues related to UAVs are two-fold, the federal law specific to the airspace, under the Federal Aviation Administration and the Fourth Amendment and general privacy concerns. Integrating these small aircraft into the airspace has proven to be challenging and complex for all levels of government, not the least of which is due to the confusion as to which level of government (federal, state or local) actually controls the airspace when it comes to “flying objects.” With the market for UAVs, both as recreational items and tools, exploding, the FAA

has struggled to develop regulations that are both feasible and enforceable, and to do so in a timely manner.

The legal process began with the passage of the FAA Modernization and Reform Act of 2012, enacted on Feb. 14, 2012 under Public Law 112-95. Section 332 discussed the “integration of civil unmanned aircraft systems into national airspace system,” and required the FAA to develop and promulgate regulations concerning, among other things, UAVs. This federal statute had a deadline of Sep. 30, 2015. As such, on Feb. 15, 2015, the FAA released proposed regulations for notice and comment to the public concerning non-recreational small UAV operations, defined as a UAV used for a civil or government purposes, rather than as a hobby. Small UAVs are those that weigh less than 55 pounds. (The FAA is considering a classification for “micro” UAVs as well, those weighing under 4.4 pounds.) This particular rule would not apply to UAVs that would be considered recreational only, although more recent rules will have an impact on those, as well.

As of now, UAVs fall into three categories: recreational, civil and public/governmental. At this time, those UAVs that are purely flown as recreation (also called hobbyists) have no laws in place, although many consider that they should abide by the long-standing guidance that has been applied to radio-controlled small aircraft for some years. These include guidelines that are now being applied to UAVs, including but not limited to: flights remaining below 400 feet, keeping the aircraft within visual line of sight at all times, no interference with manned aircraft operations, notifying an airport if you plan to fly within five miles of it, don't fly near people or stadiums and, in general, don't behave carelessly or recklessly with your aircraft. Although these are not considered enforceable regulations, they have been adhered to for many years by those flying radio-controlled model aircraft and are certainly applicable to UAVs as well.

A UAV being flown for civil/business purposes now requires the user to petition the FAA for an exemption, known as a Certificate of Waiver or Authorization. This permits the UAV to be used in a commercial operation in a low-risk, controlled environment. Such UAVs might be used to take aerial photos of events (although care must be taken if they are flown over people, of course) or to inspect bridges or high buildings. This is referred to as a Section 333 exemption as well, as it falls under Section 333 of the FAA law, and this rule will remain in place until the FAA finalizes regulations on the matter.

If the owner/user of the UAV is a government entity, a different rule applies. Public aircraft are defined under 49 U.S.C. 40102(a)(41) and the FAA issues a COA that allows a particular aircraft to be operated in a designated area for a particular purpose, for a designated period of time, which can be up to two years. This process takes some time, up to two months or more, presuming everything is correctly submitted initially, and it requires paperwork from the government entity that certifies the requesting party is, in fact, a government entity. If an agency plans to move into using a UAV for law enforcement or other purposes it should begin the process as quickly as possible. In addition, the agency should think carefully about where it might want to use the UAV to

ensure that the COA correctly defines the geographical area to be covered. (Please note that these rules are subject to change at any time.)

A completely unrelated issue, however, is the privacy concerns inherent in having a small, unmanned aircraft, often with a camera on board, flying in close proximity to people and homes. If that UAV is operated by a citizen, the Fourth Amendment would not be an issue, as it applies only to government entities. But a UAV in a neighborhood likely still would trigger complaints concerning an invasion of privacy. At this time, there is an ongoing lawsuit in Bullitt County, Ky., concerning an individual shooting down a UAV which he claimed was “spying” on his yard, although the owner of the UAV has claimed that he was not doing so and was, in fact, flying at a relatively high altitude in the subdivision for an unrelated purpose. This lawsuit almost certainly will make new law as it proceeds.

If a government entity, particularly one that has enforcement capabilities, such as law enforcement or code enforcement, is using a UAV, those privacy concerns intensify. In such cases, when the government is involved, all provisions of the Fourth Amendment still apply, including the concepts of Open Fields, Curtilage and the possible need for search warrants. However, since most UAVs will be flown outdoors and at a relatively high altitude, and there generally is little expectation of privacy with anything that happens in an outdoor setting, especially outside the curtilage, the Fourth Amendment will usually not be implicated. However, as this is a new and evolving technology, the law, both statutory and case law, is evolving at the same time. Certainly, UAVs may not be used to “pierce the zone of privacy” of a home or curtilage, but if an officer uses their natural senses from a lawful location, such as several hundred feet overhead, the Plain View doctrine will apply.

Manned flights have been discussed in several U.S. Supreme Court cases, *California v. Ciraolo*, 476 U.S. 207 (1986) and *Florida v. Riley*, 488 U.S. 445 (1989) covering both fixed-wing and rotary/helicopter aircraft. In these cases, the court placed much weight on the fact that the aircraft was at all times in navigable airspace as provided for in federal law. Further, in

Dow Chemical v. U.S., 476 U.S. 227 (1986), the Court agreed that photographing non-curtilage areas from aircraft did not require a warrant. The U.S. Supreme Court has not yet had the opportunity to address aerial photography inside the curtilage of a home, although various states have addressed issues concerning binoculars and have ruled in various ways, depending upon the facts of the case.

In Kentucky, although there currently are no laws in place for UAVs and the FAA questions whether states or localities may, in fact, even enact laws that govern the airspace, there are laws that may be applied in some circumstances. If a UAV is being used in a dangerous manner, certainly wanton endangerment (KRS 508.060/.070), disorderly conduct (KRS 525.060) or Harassment (KRS 525.070) might be appropriate depending upon the specific facts. If someone is injured, recklessly or wantonly, with the UAV, a degree of assault (KRS 508) might be considered. (If it is determined that it was accidental, the injured subject might still seek civil remedies under negligence.)

The use of unmanned aerial vehicles, both as a recreational activity and as a tool for public safety and business, is only going to increase. This will, of course, bring concerns from the general public about privacy, especially with respect to UAVs in close proximity to homes and perceived to be invading their privacy, even when the UAVs are being flown in a non-hazardous manner and in lawful airspace. Although these will trigger calls for service, this does not necessarily mean the UAV operator has violated any Kentucky or federal law. In the next year, it is likely the FAA will continue to develop new law, in the form of regulations, which affect the use of UAVs for both the public and government officials, just as the valuable uses of these tools is being discovered in tandem. Law enforcement agencies now are beginning to recognize and explore the uses and concerns in using UAVs. ■

LINKS
<http://www.faa.gov/uas/>
<http://knowbeforeyoufly.org/>
<https://www.fas.org/sgp/crs/natsec/R42701.pdf>

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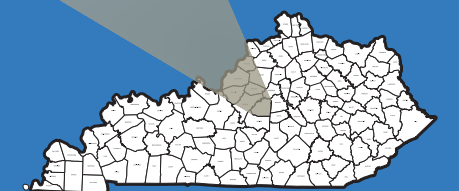
Springfield is like quintessential, small-town America,” said Chief Jim Smith, “and our officers reflect that.” Tucked away in the southern part of Washington County, Springfield is home to both the Lincoln family homestead and Saint Catherine College. The town’s rich heritage and historical traditions keep this quaint town of approximately 3,500 residents thriving, which makes it a great place to work and live, Smith said.

Smith was appointed chief of Springfield Police Department in June 2011, and had served the department assigned to the Kentucky State Police Drug Enforcement/Special Investigations western unit for about four years prior to his appointment. Smith joined SPD after retiring from the Mount Washington Police Department.

“It took me a little while to learn and get my bearings,” Smith said about taking over as chief after having worked solely narcotics with DE/SI West. “Taking over a small department, you have to be everything to everybody — the shift manager, clerk, police officer and investigator. I had never done that before, and it was a learning curve.

“But that’s part of building a good police department, so I can delegate and have people help do all these things,” he added.

Not only is Smith responsible for the Springfield Police Department, he also is in charge of the county’s E-911 center. This dual role was a new challenge for Smith, who sought the help of Disaster Emergency Services coordinator Kevin Devine. >>



A Pleasant PLACE TO BE

Springfield Police Department

ABBIE DARST | PROGRAM COORDINATOR

>> “It’s a whole different world,” Smith said of the E-911 center. “You have to stop thinking police and think dispatch. Their systems, equipment and record keeping are so different.”

However, Smith met these initial challenges head on, with a goal to make the Springfield Police Department the best it could be. The first things Smith did were tighten up the agency’s policy and procedure manual and strengthen relationships with local schools, he said.

“I really wanted to increase our time in the schools,” Smith said. “I didn’t want to go to the schools only when we were responding to a call, but instead make it part of our patrol area. I didn’t want to just ride through the parking lot, but actually have our officers go in and walk around.

“There are about 1,300 people in the schools, so it’s a big part of our city,” Smith continued.

When Smith initially implemented this practice, it took the school personnel a while to get used to it, he recalled. But in the past few years, principals have gone from being wide-eyed and concerned when officers entered the school, to communicating and calling the chief directly to talk through issues, Smith said.

“The schools are a valuable resource for information gathering,” he said. “When you keep track of things and how they go, it applies to the whole community.”

One of the agency’s long-term goals is to get a school resource officer program off the ground, placing a full-time officer in local schools.

Another long-term goal Smith had when he arrived was getting a K-9 program started. Currently, the department is in the process of reaching this goal – a big feat for a small department. Obtaining, training and maintaining a K-9 and handler is an expensive endeavor. However, the dividends he sees to the department and the community make the process worthwhile, Smith said.

The department has applied for a grant to fund the K-9 program, but local citizens and school groups also have helped raise funds in support of the K-9 acquisition.

“Our city and our mayor are committed to it, so I know we’ll get there,” Smith said.

Officer Nick Holmes was chosen as the agency’s K-9 officer. Holmes is a relatively new officer, with only about a year and a half on the force, but he first became familiar with Springfield while attending Saint Catherine College where he played baseball. While Holmes sees the K-9 position as an exciting venture, his favorite aspect of the department rests in its people.

“The group of guys we have now have pretty much come together as brothers more than anything,” Holmes said. “Our whole department knows we have each other’s backs and we do things together outside of work. It pays off to have that — to enjoy your job and not dread going in every day.”

The camaraderie and happiness of his officers is an important element to the success of the Springfield Police Department, Smith thinks.

“Just the overall tone of the officers is much better than in the past,” he said. “They are pleasant and professional, and they enjoy doing their job. They laugh together, they all like each other and hang out, and it’s just fun to be here.

“But mostly they just want to see us progressing,” Smith continued. “They like to have leaders who are fair and consistent and who motivate them to do the right thing, be pleasant and do the job.”

As an eight-man department, Springfield’s officers may answer a welfare-check call or respond to a five-victim violent assault and everything in between. But Holmes said the diversity of calls and ability to work all kinds of incidents makes him a better officer.

“Two to three weeks out of the academy I worked a first-degree assault case,”

Holmes said. “I was not familiar with how to do it, but I liked having the opportunity to work it because it made my law enforcement knowledge that much better. Of course I had a supervisor with me step by step, but learning first hand was a great opportunity and made me a better officer.”

The satisfaction Springfield’s officers have working for their agency and city has not gone unnoticed by the community either. Chief Smith has had multiple citizens compliment him and his department.

“Talking to different community members who have grown up here, I’ve heard several times that this is the best police department they’ve ever had in the community,” Smith said. “Our officers are accessible, we’ve cut down on complaints and we keep the guys happy and motivated to have a good department and get the things we need.

“We’ve increased the pleasantness of the department,” he added.

As part of his department revitalization, Smith also has become involved in different aspects of the community, from speaking at cooperative extension meetings to

presentations for Head Start and demonstrations for the college. The agency also sponsors local families at Christmas by setting road-block collections that get the whole community behind their efforts.

“I’ve built a lot of community relations, and now I’m getting my captain, sergeant and officers involved,” Smith said. “I try to find their expertise and plug them in. We’re small enough to use what our officers are good at and steer them into areas in which they can get involved that use the stuff they are good at. Seeing and knowing them on an everyday basis, I can do that.”

The pleasant, positive atmosphere of the department and community relations, which Smith says exudes from the city’s new mayor, Debbie Wakefield, keeps Springfield a pleasant place to work and live.

“I enjoy this place a lot,” Holmes said. “It’s a small community, people know each other. It works better for us knowing more individuals because you have more people that will help you. I plan to stay here for my whole career.”

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▼ Springfield Chief Jim Smith speaks to local high school students visiting the department on a career-day tour. Smith enjoys inviting students into the agency to help deliver a positive message about police and to help young people understand the ins and outs of a law enforcement career.



▼ Springfield Officer Nick Holmes stops in at a local convenient store to check in with employees. Holmes has served the Springfield Police Department for a little more than a year, and he recently was named the agency’s K-9 handler.



PHOTOS BY JIM ROBERTSON

LEGAL SHORTS

Shouse v. Commonwealth, 2015 WL 5666019 (Ky. 2015)

In 2011, Mollie Shouse, while under the influence of Xanax, left her 2-year-old son in her vehicle, causing his death. Shouse was tried and convicted of wanton murder, per KRS 507.020 among other offenses, and she appealed. Her appeal ultimately reached the Kentucky Supreme Court. The issue was whether second-degree manslaughter would preclude a charge of wanton murder. KRS 507.040(1)(b), defines second-degree manslaughter as leaving a child younger than 8 in a motor vehicle under circumstances which manifest an extreme indifference to human life and create a grave risk of death to the child thereby causing the child's death. The Court held that it did preclude a charge of wanton murder, and reversed the murder conviction.

The Court examined the changes made to KRS 507.040 in 2000 by "Bryan's Law," which was passed in response to the death of a baby left in a vehicle on a hot day. Part of the reason the bill passed was a perception that existing law did not provide for any criminal liability for such an act, and that this bill would fix the problem. (In fact, the woman who caused Bryan's death was convicted of second-degree manslaughter under the law as it was prior to the amendment and was given the maximum sentence of 10 years for a class C felony.) The problem with Bryan's Law was that it applied the mental state from wanton murder to second-degree manslaughter if a child younger than 8 was left in a motor vehicle, creating a grave risk of death thereby causing the child's death. The Court described this mental state as "aggravated wantonness." Because that conduct is now explicitly defined as second-degree manslaughter, even though the more general language in the murder statute would cover it, by law, the specific governs over the general. A defendant under these facts



cannot be convicted of wanton murder, no matter how egregious the underlying conduct that caused the death, but only second-degree manslaughter.

Interpersonal Protective Orders

On January 1, Kentucky domestic violence law changed. Within KRS Chapter 403, most of the changes involve shifting various provisions to different sections, thus causing renumbering. However, the most significant changes occur with the creation of KRS Chapter 456.

One major change is the identification of individuals who are considered to be in a "dating relationship" as parties able to utilize the civil and criminal protections offered to "family members" and "members of an unmarried couple." KRS 456.010(1) provides the definition for dating relationship as "a relationship between individuals who have or had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. ..." The definition also includes factors to be considered when trying to determine if two individuals are in a "dating relationship." Some factors include declarations of romantic interest, the expectation of affection between the two parties, presenting themselves to friends and family as a couple, the length and recency of the relationship as well as the continuity of the relationship. The dating relationship is referred to in the new

dating violence and abuse definition found in KRS 456.010(2).

A second major change comes with the creation of an interpersonal protective order. The individuals who may request the issuance of a temporary IPO include victims of dating violence and abuse, stalking, sexual assault or an adult who is requesting relief on behalf of a minor. The



application is similar to that of emergency protective orders, although the terms and conditions of an IPO have some differences from those contained in Emergency Protective Orders and Domestic Violence Orders. After a hearing, a temporary IPO can become a non-temporary interpersonal protective order, similar to a DVO. IPOs will be enforced in the same manner as EPOs and DVOs.

Law Enforcement "On the Record"

As disconcerting as it can be as a law enforcement officer to have an individual recording the officer's actions, the First Amendment does apply. Although there is no case directly on point in Kentucky or the Sixth Circuit at this time, every federal circuit that has addressed the issue has ruled that, subject to "reasonable time, place and manner" restrictions, the First Amendment does provide some rights to

record law enforcement officers when in a public place. Certainly, those doing the recording cannot interfere with the officer's actions by inserting themselves into the arrest in a manner that causes legitimate safety concerns. Should they do so, appropriate criminal charges can be placed.

Although First-Amendment law is complex and often unsettled, with the various courts coming to different decisions based upon the specific facts of each case, the trend is certainly toward courts in Kentucky agreeing that individuals have a



legal right to record or photograph officers when the officers are in public places, so long as they do not interfere with the officer or take actions that are a safety risk. Although there is no single case that holds that the right is, as yet, "clearly established," law enforcement agencies across the United States have settled cases involving recording, rather than go to trial and be faced with an adverse ruling and the possibility of even higher damages. It is certainly only a matter of time before a court determines that the right is now clearly established.

Service/Assistance Animals

With the proliferation of service animals/assistance animals, it is important to define which are protected under the Americans with Disabilities Act, and which are not. Although generally only dogs are recognized as service animals by federal law, in certain specific situations, miniature horses might also be recognized. When there is a question about whether an animal is a service animal, and the

animal's purpose is not obvious, (for example, a guide dog for a blind individual), only two questions are permitted: 1) Is the dog a service animal required because of a disability and, 2) what work or task has the dog been trained to perform? That task has to be something that a dog would not do naturally. For example, the animal may pick up a dropped item, stand and steady an individual who needs physical support, or tug the person to the floor in anticipation of a seizure. The animal must be housebroken and generally must be in the direct control of the individual, on a leash, for example — unless that is not possible due to the task they are performing. An animal that misbehaves or becomes aggressive, even if a legitimate service animal, may be required to leave the premises — but cannot be required to leave simply because others are fearful of the animal, allergic or because the rules of a public facility exclude all animals.

Further, the dog is not required to be marked with a service dog vest, etc. — although many do so — nor is the dog required to carry any particular certification paperwork.

LGBT and Law Enforcement

Many of us have seen or heard articles and stories referring to lesbian, gay, bisexual, transgender concerns. Some states have enacted explicit LGBT protections, while others, including Kentucky, have not. Furthermore, some local governments have added specific protections to their local human rights ordinances. One of the paramount responsibilities of law enforcement is to protect the rights of the people they serve. Although this area of law may not be well settled, there are several recent developments that law enforcement professionals should be cognizant of, whether working with a fellow employee or a citizen that identifies as transgender.

In February 2015, the EEOC's director of the Office of Field Programs issued a memorandum to the agency's district directors regarding the handling of LGBT-related discrimination claims. Although Title VII of the Civil Rights Act of 1964 does not explicitly prohibit discrimination on the basis of an employee's identification as gay, lesbian,

bisexual or transgender, the memorandum states that the EEOC will accept charges filed alleging discrimination on these bases and consider whether they should be investigated as claims of sex discrimination. The EEOC and some courts have said that sexual discrimination includes instances where the discrimination is based on an applicant's or employee's non-conformance with specific gender stereotypes.

In June of this year, the Occupational Safety and Health Administration, addressed LGBT concerns with regard to restroom facilities. The agency indicated that restricting employees to using only restrooms that are not consistent with their gender identity, or segregating them from other workers by requiring them to use gender neutral restrooms, may create concerns for their safety.

And just recently, the U.S. departments of Education and Justice filed amicus curiae, friend of the court briefs in



a transgender student case. The female to male transgender high school student is suing for access to the boys' restroom, instead of being required to use the girl's or a unisex restroom. The Department of Education contends that the prohibitions alleged are in violation of Title IX of the Educational Amendments Act of 1972, prohibiting disparate treatment based on sex.

As protectors of rights of the people served, law enforcement must be keenly aware of the concerns raised and potential violations. The EEOC provides information and updates regarding LGBT and other employment issues on its website at www.eeoc.gov. Should a specific concern arise, seeking guidance from your legal advisor is recommended. 🌈



PHOTO BY JIM ROBERTSON

Henderson Police Sgt. Jeff Welch

KELLY FOREMAN | PROGRAM COORDINATOR

“*I want the nation to look at Kentucky and ask, ‘What are they doing that they are not losing officers?’*”

For the past four years, Henderson Police Sgt. Jeff Welch has committed himself to teaching officers the five core tenets of the Below 100 initiative — created to save lives and see fewer law enforcement deaths. As one of only 27 core instructors in the U.S., Welch has traveled Kentucky, Tennessee, Indiana and beyond, all in an effort to help officers get home to their families at night.

I began my career at the Western Kentucky University Police Department in 1998. I went to the Henderson Police Department in 2000. I have done a little of everything. I’ve been a patrolman, detective, street supervisor, mountain bike training instructor — that’s my other passion, I like doing bike schools. I’ve been a sergeant for 12 years, but I’m kind of a jack of all trades, I do a little bit of everything.

Below 100 really is something I feel I was called to do. It is near and dear to my heart. Below 100 originally started in 2011, so I wasn’t in on the ground floor, but pretty close. I’ve been teaching the basic four-hour class since 2012. I have been a core instructor since November of last year. There are only 27 people across the nation who are core instructors. Below 100 identifies those who are teaching and getting the word out. Being a core instructor allows me to teach train-the-trainer classes. Instead of me pushing out Below 100-trained students, now I can teach trainers, who can go back to their agencies and teach.

My goal with Below 100 is to gain instructors across the state. I’d like to have an instructor in each county. I think it should be mandatory for all officers to go through this training. My goal is to reach every law enforcement officer from basic recruits to chiefs and sheriffs.

I was at the FBI National Academy, and in week three, they take you to the National Law Enforcement Officers Memorial. As I was walking and looking at the names, I started running into names of guys I had worked with, or gone to the academy with. At that time, I only had 14 years in and there were three guys on the wall. I was losing a friend about every four years. After that, I went to Chicago to the International Law Enforcement Educators and Trainers’

Association. One of the founding fathers of Below 100 was walking through the hallway. He grabbed me by the arm and said, ‘Hey, you need to come in and watch this.’ I had no idea about the class, but by about the second slide in, he had me hooked. This is powerful.

I started thinking about the guys on that wall and thought, this is great information and it has to get out. Somebody has to be a sounding board. So I started teaching it in Henderson. Then Daviess County Sheriff Keith Cain asked if I would come there and teach it, then he asked me to teach it at the Kentucky Sheriffs’ Association. It just spring boarded. My dad just retired after 48 years of law enforcement in Tennessee. He was the assistant director of Tennessee’s training academy, so I started teaching there for the chief’s association, the Tennessee Highway Patrol and Metro Nashville Police Department, and it caught on. I tell people in Kentucky, Tennessee is kicking our butt right now in Below 100.

Every morning I get up, look at my phone and there’s a message from the Officer Down Memorial Page, it’s a bad day somewhere. The initiative is to get the number of law enforcement deaths in one year below 100. We haven’t been able to do that since 1943.

It’s a daunting task, but we can do it. A lot of the deaths we have ultimate control over. It’s little things we can do to help survive. The five tenets are free and easy.

The five tenets are watch your speed, wear your vest, wear your seatbelt, asking ‘What’s important now?’ and complacency kills. The thing about Below 100 that’s unique is those tenets touch every facet of law enforcement, dispatch, command, rookies and veterans. It touches firearms, defensive tactics, driving — it’s a really nice blanket of skills law enforcement can use.

My goal in each class is to save an officer’s life. If I can change one mindset and get officers thinking about the five core tenets, it

may save their life. Me being a triple A-type personality, hard headed and stubborn — if I can change, I know others can.

The five tenets are very easy, but it’s hard to change a culture. The Henderson Police Department is a work in progress, like every other agency. I can see a difference from when I started teaching to where we are today. We’re making strides, but we’re not there yet. My ultimate fear is that it is going to take something tragic to get us completely there.

My ultimate goal is for Kentucky to have zero line of duty deaths every year. I want the nation to look at Kentucky and ask, ‘What are they doing that they are not losing officers?’ I want to be able to say Below 100 is part of it.

I’m the only core trainer in Kentucky and Tennessee. If someone wants me to come for training, they can reach out to the Henderson Police Department or send me an email (jlwelch@cityofhendersonky.org). We prefer train-the-trainer courses so we can produce other instructors. There is no limit for students. I have done this training for two people, and I have done it for 100.

My wife is the forgotten one in this. She allows me to travel and it’s hard with twins at home. She has a very high-pace job, too. Without her I couldn’t do this. She gets frustrated at times and wants me home — which I truly understand. But I also know, like my last slide says, ‘If not you, then who?’

We did a family and friends course and put spouses through the training. We want spouses to know they can be tugging at them at home — not harping — but encouraging them to wear their seatbelt. Below 100 became really important to me when I had my twins. I have a little boy and girl who are 25 months old. They need me at home. My wife needs me at home. If they ask daddy to put a vest on, daddy is going to go put his vest on. 🐾

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TELL-TALE Tattoos

ABBIE DARST | PROGRAM COORDINATOR

An art dating back thousands of years, tattooing definitely has been embraced by mainstream society as a means of self expression, memorializing loved ones or rebelling against traditional values. It is estimated that 40 percent of American households have at least one person with a tattoo.

But many out there are making more than just a fashion statement with the ink they wear. Across the nation, convicted felons, gang members, those coming off long prison sentences and even would-be criminals are sporting tattoos. While many of these individuals' tattoos reflect a gamut of personal beliefs and meanings, there are several that have come to denote specific criminal acts, indicate particular gang affiliations or time spent behind bars.

For Kentucky's law enforcement officers, knowing, recognizing and understanding these marks and symbols depicted in tattoos can help officers assess with whom they're dealing and the potential severity of an encounter more quickly than running a license plate or identification card. And that can keep officers safer on the streets, whether conducting traffic stops or answering calls for service.

But researchers are hoping to take this knowledge to a new level, where tattoo images and meanings are not just stored, but are identified and related to particular groups and, potentially, individuals, who have committed a previous criminal act.

Recognizing the huge implications of these symbols and tattoos, the FBI began working to compile a database of scars, marks, tattoos and symbols to identify criminal suspects using a Michigan State University research project on biometric tattoo recognition technology. This technology goes beyond simply identifying tattoos and their potential meanings. It would allow law enforcement to identify criminal suspects when fingerprints and facial images of a suspect are unavailable. For example, if a robbery occurs in a convenience store, but the suspect is wearing a mask and gloves, the surveillance camera at the store may be able to record the image of an exposed tattoo on the suspect and, from there, deduce a list of potential suspects based on the tattoo image.

In a "Government Technology" article titled, *"Tattoo Recognition Database Could Help Combat Crime and Terrorism,"* MSU professor and database leading

researcher, Anil Jain, explained how the tattoo database could be useful in criminal investigations.

"Is this tattoo connected to a gang?" he asked. "Who were the previous individuals who were arrested with the same tattoo, and other such information? Right away you have some information about this person. You may not know his name — the tattoo is not a unique identifier — but it can narrow the list of identities for this particular tattoo."

Many criminal organizations, such as hate groups, gangs and terrorist groups may have tattoos to resemble their organizations. Once the tattoo has been identified, Jain said, it can be matched to tattoos in the existing tattoo database, which can immediately provide some information about the person whose tattoo is being queried.

As technology progresses, researchers hope to use forensic artist sketches of tattoos recalled from witnesses to cross reference the database as well.

In June 2015, Computer Scientist Mei Ngan of the National Institute for Standards and Technology teamed with the FBI to organize a 'challenge' workshop, giving universities and corporations the opportunity to show the results of their research into tattoo-matching technology.

"You can't use it as a primary biometric like a fingerprint or face because it's not necessarily uniquely identifying," Ngan said. "But it can really help in cold cases where you don't have those things."

During the 'challenge' participants were given five scenarios, such as basic tattoo detection, identification over time and matching a partial image of a tattoo to a complete photo. During the demonstrations, some of the systems had hit rates well above 90 percent in certain tests, and, Ngan said, improving the quality of tattoo images during collection may improve recognition accuracy.

The current FBI Next Generation Identification database that includes tattoos, fingerprints and facial recognition, relies on written descriptions of tattoos, which can be vague and not particularly helpful, Ngan said. However, the new technologies being researched will launch tattoo identification and matching lightyears into the future. ■

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Courtesy of
Art Attack Tattoos

PHOTO BY JIM ROBERTSON



TEARDROPS often mean the wearer has committed murder. A teardrop outline can symbolize attempted murder or that the individual is seeking revenge on a family member for friend who was murdered. However, teardrop tattoos have become popular among rappers and other celebrities wearing them as fashion statements that have no literal meaning.



The **FIVE-POINT CROWN** is a symbol of the Latin Kings gang, one of the largest Hispanic gangs in the United States. The crown may be accompanied by the letters ALKN, which stands for Almighty Latin Kings Nation. The five points represent the gang's affiliation to the People Nation gang, which uses the number five.



1488 is usually found on white supremacists, the number 14 represents the 14 — word quote by Nazi leader David Lane, "We must secure the existence of our people and a future for white children." The numbers 88 stand for the eighth letter in the alphabet, H, and means heil Hitler.



A **CROSS** chest tattoo symbolizes a Prince of Thieves — the highest rank a Russian convict can achieve. They generally are worn by those higher up in the Russian mob. Russian tattoos have a unique and intricate prison history, each with their own distinct meaning.



FIVE DOTS represent time done in prison. The four dots on the outside represent four walls and the fifth dot on the inside signifies the prisoner. This is an internationally recognized tattoo. The dots typically are found on the inmate's hand between the thumb and forefinger.



MS13 is a symbol of the Mara Salvatrucha gang from El Salvador. Typically these tattoos can be found anywhere on the body, but usually are in highly visible locations like the face, neck or hands.



ACAB is an acronym that stands for 'All Cops Are Bastards.' Often found on the knuckles, the tattoo symbolizes a willingness to go to prison for your crew or gang.



AB stands for Aryan Brotherhood and is a Nazi symbol like a swastika. The Brotherhood makes up 1 percent of the prison population but is responsible for 20 percent of murders inside U.S. prisons. It can be referred to as Alice Baker, the One-Two or The Brand.



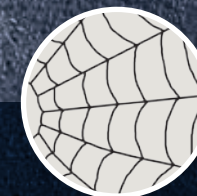
LA EME or the **M** is the symbol of the Mexican Mafia. They are one of the largest and most ruthless gangs in the U.S. La Eme was not started in Mexico, but by Mexican-American inmates in American prisons. They are affiliated with the Aryan Brotherhood.



A tattoo of a **CLOCK WITH NO HANDS** represents 'doing time.' The clock face can come in a few forms, such as the face of a wall clock or grandfather clock. Those doing longer sentences may have the tattoo on their wrist, complete with straps, like a real watch.



THREE DOTS commonly represent "mi vida loca" or "my crazy life." Though not affiliate with any particular gang, it represents the gang lifestyle. It typically is found on the hand or beside the eye. The three-dot tattoo often is created using a stick-and-poke method, requiring rudimentary tools that would be available in prison.



SPIDER WEBS typically represent lengthy prison stays. They are symbolic of a spider trapping its prey, similar to a prisoner being trapped behind bars. Commonly found on the elbows, cobwebs signify sitting around with your elbows on a table for so long cobwebs formed. Webs also can be found on other body parts.

Street Tattoos

AN AT-A-GLANCE GUIDE TO KEEP YOU SAFE ON THE STREETS

Service Animal Rights

SHAWN HERRON | STAFF ATTORNEY,
DOCJT LEGAL TRAINING SECTION

The use of dogs to assist a disabled individual formally began in 1929, with the incorporation of The Seeing Eye organization to train guide dogs for the blind. By the mid-1970s, dogs were being trained to assist deaf individuals as well and, from that, the value of training dogs to perform other tasks became more and more common. In 1990, the Americans with Disabilities Act was enacted and included, among other provisions, prohibitions on discrimination in public accommodations and transportation. (Public Law 101-336, Title II and III) As such, there are legal prohibitions against discrimination for disabled individuals and protections for the accommodations needed to allow full access to public accommodations, which can include private businesses open to the general public and housing. There also are a multitude of misunderstandings, as well, as to what the ADA requires of business owners with respect to service animals.

The ADA defines a service animal (specifically a dog, although through a recent amendment to ADA regulations, miniature horses now are included) as one that is individually trained to do work or perform specific tasks for a person with a disability, and that task must be tied to the specific disability. These tasks can include providing guidance to the blind, alerting the deaf to specific sounds, alerting to an oncoming seizure and calming (by specific trained methods) someone with PTSD. Some dogs are trained to interrupt the repetitive motions an autistic individual might be making, such as hand flapping, or distract and protect an individual engaged in destructive activities. Specifically, however, under ADA, it does not include the category of Emotional Support Animals who provide more generalized comfort, without performing any specific trained tasks, such as therapy dogs or comfort dogs. (Note that such animals do, however, enjoy a measure of support under the Fair Housing Act and the Air Carrier Access Act — which have broader definitions of service animal than ADA.)

As far back as 1966, Kentucky law has acknowledged the value of providing protections to individuals with assistance animals as well. At that early date, of course, only guide dogs for the blind would have been anticipated. As both federal law and state law evolved, protections for such animals kept pace, providing for equivalent laws on the state level. At the current >>



“If it is not obvious what service a dog provides, only two questions may be asked: (1) Is the dog a service animal required because of a disability? (2) What work or task has the dog been trained to perform?”

>> time, assistance animals are covered in Kentucky under KRS 258.500. As is always the case in the law, however, definitions are important. Although federal law and most commercially sold signage uses the term service animal, the proper term in Kentucky is assistance dog. The protections of the state law extend to individuals with a disability, as defined in KRS 210.770(2) as “someone with a physical or mental impairment and includes individuals who have a record or history of an impairment or are regarded as having a physical or mental impairment that substantially limits one or more major life activities.” In effect, this protection mirrors that available under the ADA.

It would not be uncommon for a law enforcement officer to respond to a situation where a service animal is present. If there is a question about the status of a particular dog, a few questions should be kept in mind. When there is a dispute, first, it should be noted, the service animal must be in the control of the individual it is serving, usually by the use of a leash, unless the task performed by the dog would be compromised by it. In all cases, the dog must be in the individual’s verbal or physical control. A misbehaving dog, one that is destructive, barking excessively, not housebroken or behaving in an aggressive manner may be legally removed from a location. If it is not obvious what service a dog provides, only two questions may be asked: (1) Is the dog a service animal required because of a disability? (2) What work or task has the dog been trained to perform? There are no nationally recognized credentials for service dogs, nor are they required to wear an identifying vest or special harness, although many do. A fear of dogs or allergies are not a valid reason to have a service animal removed from a public location, nor are health codes that otherwise prohibit animals. Local breed-specific laws also do not apply to service dogs. Religious or cultural objections to dogs, or a simple dislike of dogs, also do not apply.

A few provisions are of particular interest. KRS 258.500(11) provides that emergency medical treatment shall not be denied to an assistance dog, even if the owner is unable to pay initially. It does not, however, indicate who is obligated to provide such treatment. This issue might arise, for example, if an individual is involved in a wreck and their dog also is injured and needs treatment. Trainers of assistance dogs generally are accorded the ability to take dogs in training into public locations, although they must also keep the animal under control and ensure they are sufficiently housebroken and trained so as to behave in public. Under KRS 258.500(7), trainers must carry personal identification that indicates they are trainers, usually provided by the employing agency. (It is critical to socialize potential assistance dogs to all possible environments, and to accustom them to being in public.)

Of course, a child with a service animal is permitted to have the dog at school. Further, under the Individuals with Disabilities Education Act, Pub. L. 101-476, and Section 504 of the Rehabilitation Act, Pub. L. 93-112, a student might be permitted to have an animal that does not meet the ADA definition, if it is part of the child’s Individual Education Plan. The animal must, of course, be housebroken, trained and responsive to the child’s control.

Service animals provide a way for those with disabilities to lead a fulfilling life, with the dog providing mobility, independence and, in some case, even life-saving protections, to the owner. Enforcing the law and facilitating through misunderstandings, often fall to law enforcement. It is essential that officers understand what the law provides and does not provide, in such cases, and that the officer is prepared to provide correct information to all parties involved. 🐾

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PHOTO PROVIDED BY 123RF.COM

NEW 2016 COURSE HIGHLIGHTS

TRAINING SCHEDULE OFFERS NEW OPPORTUNITIES

Every year, the Department of Criminal Justice Training staff strives to bring together a set of advanced individual training opportunities that meet the needs and demands of Kentucky's officers and public safety dispatchers. 2016 is no exception. This year students and administrators will have a wide variety of courses from which to choose, including updated curriculum, condensed programs, annual offerings with the latest material and completely new courses designed to teach students wherever they are. Let's take a look at a few of the new and updated classes DOCJT will offer this year.

NEW 2016 Advanced Individual Training course offerings:

- Current Issues for Patrol Officers
- Electronic Evidence Investigations
- Illicit Drug Investigations
- What Child Sex Offenders Can teach You
- Defensive Tactics Coordinator
- Criminal Justice Executive Development Program
- 911: Preparing for Violent Groups
- Framing Your Future

Criminal Justice Executive Development Program

The Criminal Justice Executive Development Program has been condensed to four weeks, allowing the class to be offered twice a year starting in 2016. This course, which touches on leadership, ethics, policies and procedures, legal issues, team building, role of the executive and budgeting has been a staple in the Leadership Institute Branch for nearly two decades. A high-demand course, DOCJT turns away nearly two-thirds of applicants every year. By restructuring the course and offering it twice, the faculty can serve more of Kentucky's law enforcement executives, said DOCJT instructor Chip White.

"We want to develop mid-level managers and get them ready for the next step in leadership," White said. "These people will be our future chiefs. This will prepare them for when they are chiefs, instead of waiting until they are in the position."

CJED began in 1998 with Class No. 1. Through the years, the class has changed, but the ultimate goal of the program has remained constant, preparing criminal justice leaders of today for the challenges

and demands of the present and future, White said.

"There are seven professors from Eastern Kentucky University we use for this course," White said. "This gives them a broader base of knowledge and different world views other than just as police officers. It's not just cops teaching cops."

The CJED program is using more technology than in previous years. Kindles are used now versus receiving a large stack of books at the beginning of the course. Leadership is stressed throughout the five weeks, but effective communication is a cornerstone of the program, with more than 50 hours dedicated to executive writing, public speaking and organizational communication.

"Now you have to integrate technology into public speaking," White said. "Hardly anyone does public speaking without some kind of multimedia presentation."

Defensive Tactics Coordinator

The Defensive Tactics Coordinator class was designed to eliminate any disconnect between new basic training recruits and people in the field.

"We wanted to build a bridge between basic training and the field, where there always has been this disconnect between what the folks in the field know and what the basic training recruits know," said DOCJT Supervisor Travis Tennill.

Sometimes, the people in the field would undermine the training of basic recruits because they weren't aware of what was taught in basic training, Tennill said.

"We are trying to make the people in the field aware so they can take this back to their agency and train their people exactly what we are teaching the basic training recruits," he said.

"The most important thing is these students take what we teach and actually implement it into the field. If they don't go back and share the information with the officers in the department, the program will not work."

The coordinator's class will put everyone in an agency on the same page, keeping the integrity of the skills taught in basic current with seasoned officers in local agencies across Kentucky.

"Sometimes basic training recruits will leave basic and use something that is new and people in the field won't know what that is, so they see it as 'wrong,'" Tennill said. "This course will create the bridge that is needed for new skills being taught in basic to officers already in the field."

During the course, students will address the most common types of resistance

officers encounter, using disciplines from PPCT, Krav Maga and some things DOCJT's instructors have developed in house, Tennill said.

"The most important thing is these students take what we teach and actually implement it into the field," he added. "If they don't go back and share the information with the officers in the department, the program will not work."

Before officers come to the class, they must have a letter from their chief executive saying the person is the agency's defensive tactics coordinator and will be

conducting training within the department. Officers are chosen who are a good fit and are qualified to take the course.

"We hope to develop a line of communication with those officers so they can give us feedback directly from the field on what techniques work and what techniques need to be tweaked," Tennill said. "Then we can use that information to develop new courses and to evolve our own program here."

What Child Sex Offenders Can Teach You

Brand new this year, this eight-hour course will be taught by Cory Jewell-Jensen who has provided court-ordered treatment to convicted sex offenders for more than 30 years. Provided by the Child Victim Trust Fund, this course uses information and advice from actual sex offenders and child molesters to help students identify various pedophilia and sex-offender theories, as well as gain understanding of strategies offenders use to target their victims.

DOCJT is partnering with the Office of Victims Advocacy, the Attorney General's Office and Child Advocacy Centers to offer this course. It is created for law enforcement officers, but also will be open to prosecuting attorneys, advocates and members of the community interested in child sex-abuse prevention. The What Child Sex Offenders Can Teach You course will be offered 14 times throughout 2016, in locations scattered across the commonwealth.

For more details on DOCJT's 2016 class offerings, view the full training schedule book online at https://docjt.ky.gov/forms/ScheduleBook/2016/Schedule_2016.pdf.

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PHOTO BY JIM ROBERTSON



Sheriff Colan Harrell

Whitley County Sheriff's Office

Since January 2011, Colan Harell proudly has served as Whitley County's sheriff. Harrell retired from the Kentucky State Police in 2009 after serving 40 years, 35 of which were as a detective in Whitley and surrounding counties. He is a certified law enforcement officer and graduated from KSP Academy Class No. 40. Harrell graduated from Corbin High School and earned a bachelor's degree from Cumberland College (University of the Cumberlands) and an associate's degree from Eastern Kentucky University. He is a member of the Fraternal Order of Police Lodge #61 and a member of the Hugh Harris Masonic Lodge #938 in Corbin. Harrell and his wife, JoVeta (Moses) Harrell, have three daughters, Debbie Mitchell, Missy Shelton and Kelly Ziegler, and one son, Cody.

YOU HAVE BEEN IN LAW ENFORCEMENT FOR A LONG TIME. WHAT CHANGES HAVE YOU SEEN IN YOUR RICH AND EXTENSIVE CAREER?

Law enforcement has made many advancements since the beginning of my career. Just a few things that come to mind are: certified officers through the Department of Criminal Justice Training, upgrades to sheriff's departments and police departments, the penal code, the court system, Administrative Office of the Courts and Judicial Centers, DNA evidence aiding in criminal investigations, 911 centers, upgraded equipment such as computers in cruisers, improved digital radios, Tasers and handheld radios.

BEFORE YOU BEGAN YOUR LAW ENFORCEMENT CAREER WHAT THREE THINGS WOULD YOU LIKED TO HAVE KNOWN FIRST AND WHY?

Usually the phrase "Wish I had known" is used to imply regrets. I do not have any

"I feel my department has earned the public's trust and confidence, and that has been confirmed by the aid we have received and continue to receive on a daily basis."

regrets about my law enforcement career. I went into law enforcement knowing the pay, dangers involved and the hours to be spent. I have enjoyed law enforcement.

SINCE TAKING OFFICE IN 2011, WHAT DO YOU SEE AS YOUR MAJOR ACCOMPLISHMENTS?

Accomplishments have been many, but these accomplishments have been done with a great staff of personnel.

1. All deputies are certified.
2. Reliable and safe vehicles for deputies. Going into office, we only had four dependable cruisers.
3. Weapons. Deputies are uniform in use of weapons.
4. Each deputy has a computer.
5. Upgraded tax services and software.
6. Keeping the public informed through social media and press.

DO YOU THINK KINDNESS TOWARD LAW ENFORCEMENT HAS GONE ASTRAY?

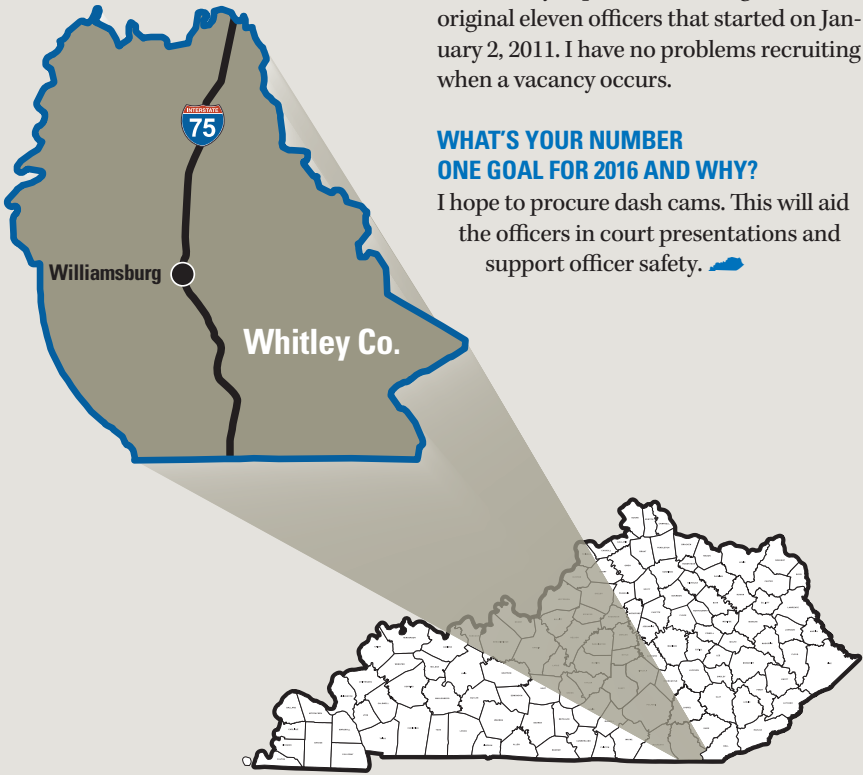
I do not. One thought that comes to mind for me is when going into office I did an interview with a local newspaper informing the public what the sheriff's department was up against. My department lacked weapons. The next morning, Steve Hart, owner of The Kentucky Outdoorsman, called and requested I come by his shop and select what I needed, at no charge to the department. I feel the majority of the public wants good law enforcement but their confidence has to be earned. I feel my department has earned the public's trust and confidence, and that has been confirmed by the aid we have received and continue to receive on a daily basis.

HOW SUCCESSFUL HAVE YOU BEEN AT RECRUITING AND RETAINING OFFICERS?

I feel I have been very successful in training officers. My department has eight of the original eleven officers that started on January 2, 2011. I have no problems recruiting when a vacancy occurs.

WHAT'S YOUR NUMBER ONE GOAL FOR 2016 AND WHY?

I hope to procure dash cams. This will aid the officers in court presentations and support officer safety. 🚔



Chief Brandon Barnhill

Paducah Police Department

In 2013, Brandon Barnhill was appointed Chief of Paducah Police Department. Barnhill holds a Bachelor of Science degree from Murray State University and a Master of Science Degree in Criminal Justice from Andrew Jackson University. He graduated from the Harvard Kennedy School for Government, Leadership in Crises seminar in early 2015. Barnhill is a graduate of the FBI Law Enforcement Executive Development Course, and is a member of the International Association of Chiefs of Police, Kentucky Association of Chiefs of Police, the Law Enforcement Executive Development Association and the KLC Model Policy committee. In 2011, Barnhill was selected as the inaugural "Young Leader of the Year" for stand-out career achievements and contributions to western Kentucky communities.

DO YOU THINK KINDNESS TOWARD LAW ENFORCEMENT HAS GONE ASTRAY?

The short answer is no. However, it often gets overshadowed by the rhetoric and headlines of today's media and contributes to the volatile society we live in. Undoubtedly, police/community relations have suffered over the past several months. Larger communities are taking the brunt of scrutiny, and terms like police legitimacy and procedural justice are becoming topics of daily discussions.

In providing a roadmap for moving forward, I like to categorize our efforts into two categories, "hard" and "soft" contacts. Those hard contacts are ones that we are summonsed to in an effort to resolve the issue at hand, often leading to enforcement actions of some degree. Unfortunately, our discretion is limited in many of these hard

"We must continue to hold people accountable and responsible for their actions, but we often have opportunities presented to us that allow us to guide the public's perceptions of how we police."

contacts and leaves unfavorable impressions for many in the public.

In today's world, soft contacts are those that we must covet and continue to exploit if we want to bring some of the public's perception back into balance. Soft contacts are often those requiring a concerted decision to engage positively with citizens in a considerate, supportive or comforting manner. Don't mistake what I'm saying for support of dropping our guard and instituting a "hug-a-thug" style program. To the contrary, we must continue to hold people accountable and responsible for their actions, but we often have opportunities presented to us that allow us to guide the public's perceptions of how we police. It is vital that we recognize these opportunities and take advantage of them.

It is widely assumed that the decision makers' character influences how they behave and, to an extent, that is true. One important characteristic pertains to the officer's beliefs and values. Some studies show that an officer's outlook often predicts the exercise of discretion. We, at Paducah, know these topics of procedural justice must continue to drive our agency and profession if we want to have any influence on swinging the pendulum back in our favor.

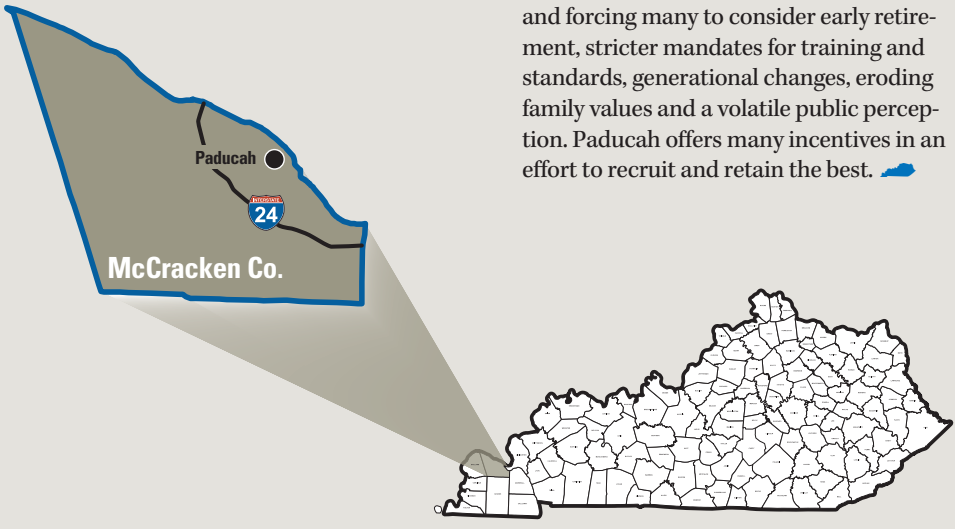
HOW SUCCESSFUL HAVE YOU BEEN RECRUITING AND RETAINING OFFICERS?

Paducah has seen moderate success in the past two years. We have hired 15 officers to fill vacancies due to retirements.

With that said, we are not immune from the growing difficulty of recruiting qualified officers who fit the bill. Police recruiters have the daunting task of explaining the merits of the job while being stymied by the job's low pay, tarnished image, increasingly-tougher standards for new recruits and limited job flexibility. The opportunity to move up in a police department is not the same as in the dot-com industry. The hazards are far greater and those entering the profession today must come with a "higher calling."

Far fewer people are looking to join the force than in years past, and departments of all sizes are being forced to rethink how they fill their ranks, all while refusing to lower standards. Many departments, like Paducah, have raised requirements for new recruits, requiring two years of college or military service, when a high school diploma would have been sufficient in the past.

This problem is compounded by the growing trend of an underfunded state retirement system causing great concern and forcing many to consider early retirement, stricter mandates for training and standards, generational changes, eroding family values and a volatile public perception. Paducah offers many incentives in an effort to recruit and retain the best. 🚔



Book Review

Chuck Soltys | PoliceOne.com

Officer Down!

Lessons from the Street

For more than 20 years, author Brian McKenna has been reviewing officer-involved shootings and writing about the incidents in his "Officer Down" column, featured in "Police Marksman" and "Law Officer" magazines. McKenna brought his articles together in his book, "Officer Down! Lessons from the Streets," featuring the most significant and interesting incidents he has studied. From the first chapter — a look into the infamous murder of four highway patrolman known as the Newhall Incident — through the last chapter — how a lone officer defeated his assailant after taking two devastating wounds from 12-gauge deer slugs — McKenna's research and analysis is riveting.

Like most cops, McKenna (a retired officer with more than 33 years of experience) will tell you he never has been personally involved in a shooting. But in another sense, he has experienced dozens of officer-involved shootings. Few people have studied so many incidents in such detail.

Anyone who has participated in the investigation of an officer-involved shooting knows just how difficult and sensitive it is to criticize an officer's actions. In any incident, a thorough debrief is necessary. A productive debrief can identify things that went right, things that went wrong and everything in between. Generally, those asking questions were not present during the shooting, and all too often it can appear as though the interviewer is undermining the officers' heroics. In this book, McKenna demonstrates how he has mastered the skill of critiquing incidents without

undermining the actions of those officers involved.

Each chapter gives a description of the incident, analysis, summary and study questions. McKenna's writing style places you in the middle of the action, and he includes diagrams to provide additional understanding and create a visual of the event. There are central training points highlighted in each chapter, such as the importance of a back-up gun, self-applied first aid, wearing body armor, using cover and concealment and action versus reaction. McKenna has a deep understanding of police tactics and equipment, and he finishes with a final chapter on how to maximize the training benefits of this book.

After working the street for a few years, most officers have been in situations that could have resulted in shootings. Poor tactics can unnecessarily precipitate a shooting and sound tactics can prevent one. Many officers will not even be aware of mistakes that caused a shooting or the decisions that avoided one, which is what makes this book even more valuable. McKenna's work has saved officers' lives, prevented crippling injuries and spared officers and their families the emotional aftermath that accompanies an officer-involved shooting.

To be as accurate as possible, McKenna interviewed some officers who prevailed and also conducted extensive research when officers were killed. In some instances, the officers' names or minor details have been altered out of respect for and/or protection of the officer, but none of the essential facts have been changed. These are all real-life stories that can be painful to read. The incidents also remind



us of the dangers of this profession and how, to some degree, complacency has its effect on every cop. We owe it to those officers whose names are etched on the wall in Washington D.C. to read and absorb the lessons that were paid for in blood and loss of life.

This book would undoubtedly be a best seller at major book retail stores, but McKenna has confirmed that it will only be sold in law enforcement circles and used to enhance the abilities of officers to safely do their jobs. Academies and in-service training programs would benefit greatly from dissecting this book chapter by chapter, discussing the training points in class or at roll call.

If you are a law enforcement trainer, "Officer Down" is an absolute must-read. If you are an officer on the street, this book, next to your body armor, might be the cheapest and most valuable insurance policy you ever buy.

Chuck Soltys is a federal agent and tactical emergency medical technician (EMT-B). He has been a firearms/tactics/DT instructor for more than 20 years. He can be reached by email at csoltys@msn.com.

STRANGE STORIES FROM THE BEAT

» Dog named Trigger shoots owner in foot



Authorities say a northern Indiana woman is recovering after being shot in the foot by her dog. And the dog's name? Trigger. An Indiana Conservation officer said the woman laid her 12-gauge shotgun on the ground without the safety on during a waterfowl hunt. The woman's chocolate Labrador retriever, Trigger, stepped on top of the shotgun and depressed the trigger. She was shot in the left foot at point-blank range, suffering injuries to her foot and toes. She was treated at two hospitals and released.

» Teen's selfies on stolen iPad led to arrest

Police say they used selfies that were taken on an iPad stolen in a Boston suburb to track down the device and arrest a suspect. An iPad was reported stolen from a car, and police say the victim then logged onto his iCloud account from his computer and found that several selfies had been taken by an unknown person on the stolen iPad. Police were able to use the "Find My iPhone" app to locate the suspect, and were then directed to the home of the 19-year-old thief.



Snakes in my pants

A snake thief smuggled a 2-foot-long python from a Portland pet store by stuffing it down his pants. The owner of the pet store said video surveillance has helped viewers and police detectives identify a suspect, and she expects to have the snake returned soon. The video shows the suspect with a blue-haired woman who appeared to be in on the theft. He handed her some keys before taking the snake from a tank and shuffling out of the store. It was "pretty gutsy" for the man to put the python down his pants, the store owner said, and potentially a bad move because it was close to feeding day. On the other hand, she added, the snake does like warm, dark places.

Looking good «

An Ohio man, wanted for drunk driving, sent police a more flattering photo of himself because he did not like his mug shot. The suspect posted a photo of himself wearing sunglasses in a car after he saw the two mug shots that the police department posted on its Facebook page. "Here is a better photo, that one is terrible," he wrote when he sent in the selfie. The man was arrested thanks to a tip.



Officials « intercept pot shipment disguised as carrots

U.S. Customs officials intercepted a shipment of more than a ton of marijuana hidden in carrot-shaped packages. The drug-filled, 2,800 orange, carrot-shaped packages carried an estimated street value of \$499,000, according to agents. The half-million dollars' worth of drugs were mixed in with a commercial shipment of fresh carrots. The bust happened after agents halted a tractor-trailer near the Texas-Mexico border.



By Brian McKenna, Bookstand Publishing, Morgan Hill, CA, 2008, pp. 344



» IF YOU HAVE ANY funny, interesting or strange stories from the beat, please send them to jimd.robertson@ky.gov



KENTUCKY LAW ENFORCEMENT MEMORIAL FOUNDATION

MAY TRIBUTE

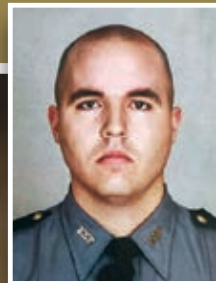
TO FOUR FALLEN KENTUCKY OFFICERS IN 2015



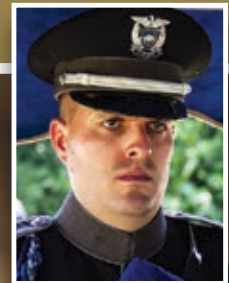
Officer Daniel Ellis



Trooper Joseph Ponder



Trooper Eric Chrisman



Officer Burke Rhoads

11 AM, MAY 23 AT THE KLEMF MEMORIAL

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